



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (Commission), pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

STATE AGENCY: California Exposition and State Fair  
State Personnel Board

MULTICOUNTY Local Agency Workers' Compensation Excess JPA

A written comment period has been established commencing on **February 28, 2014** and closing on **April 14, 2014**. Written comments should be directed to the Fair Political Practices Commission, Attention Cyndi Glaser, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his/her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon her or its own motion or at the request of any interested per-

son, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **April 14, 2014**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

**AUTHORITY**

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

**REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

**CONTACT**

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## **TITLE 2. STATE PERSONNEL BOARD**

### **NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE STATE PERSONNEL BOARD**

NOTICE IS HEREBY GIVEN that the State Personnel Board, pursuant to the authority vested in it by Section 87306 of the Government Code proposes amendment to its conflict-of-interest code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The State Personnel Board proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment designates additional employees that must file a Form 700 Statement of Economic Interests and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than April 14, 2014, or at the conclusion of the public hearing if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than March 30, 2014, by contacting the Contact Person set forth below.

The State Personnel Board has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based.

Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The State Personnel Board has determined that the proposed amendments:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no costs or savings on any state agency.
3. Imposes no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the State Personnel Board must determine that no alternative considered by the agency, would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Dorothy Bacskai Egel  
Senior Attorney  
State Personnel Board  
801 Capitol Mall  
Sacramento, California 95814  
(916) 653-1403  
Dorothy.egel@spb.ca.gov

## **TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

The Department of Food and Agriculture intends to amend subsection 3424(b) of the regulations in Title 3 of the California Code of Regulations pertaining to the Peach Fruit Fly Interior Quarantine.

This notice is being provided to be in compliance with Government Code Section 11346.4.

### **PUBLIC HEARING**

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

### **WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments

may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Stephen.Brown@cdfa.ca.gov](mailto:Stephen.Brown@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on April 24, 2014. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Stephen Brown  
 Department of Food and Agriculture  
 Plant Health and Pest Prevention Services  
 1220 N Street  
 Sacramento, CA 95814  
[Stephen.Brown@cdfa.ca.gov](mailto:Stephen.Brown@cdfa.ca.gov)  
 916.654.1017  
 916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (FAC Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

#### Anticipated Benefits from This Regulatory Action

One of the Department's broad statutory objectives is to prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds (FAC section 403) and that it may adopt regulations as are reasonably necessary to achieve this (FAC section 407). The Department is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (FAC section 5321) and may establish and maintain quarantine regulations (FAC section 5322).

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. The amendment of this regulation benefits the apple, apricot, avo-

cado, citrus, cucumber, date, fig, nectarine, peach, pear, pomegranate and tomato industries (nursery, fruit for domestic use and exports, packing facilities) and the environment (urban landscapes) by having a quarantine program to prevent the spread of peach fruit fly should it be introduced as an incipient population.

The Department is also obligated to protect the general welfare and economy of the State and to seek to maintain the economic well-being of agriculturally dependent rural communities in this State (FAC Section 401.5). The activities authorized by the amendment of this regulation are preventing the establishment and potential spread of the peach fruit fly to uninfested areas of the State, including agriculturally dependent rural communities. Historically, most peach fruit fly quarantines in California have been associated with introductions into the urban environment.

Should it be necessary to establish a quarantine for peach fruit fly, the California, national and international consumers of California host fruit benefit by having high quality fruit available at lower cost. It is assumed that any increases in production costs would ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners and community gardens that grow their own host fruits for consumption and host material which is planted as ornamentals in various rural and urban landscapes.

This regulation will benefit the public's general welfare by providing authority for the State to perform quarantine activities against peach fruit fly in the State.

The implementation of this regulation will prevent:

- Direct damage to the agricultural industry growing host fruits outside the quarantine area.
- Indirect damage to the agricultural industry growing host fruits due to the implementation of quarantines by other countries and loss of export markets.
- Increased production costs to the affected agricultural industries.
- Increased pesticide use by the affected agricultural industries.
- Increased costs to the consumers of host fruits.
- Increased pesticide use by homeowners and others.
- The need to implement an unnecessary federal regulation for the entire State.

There is no existing, comparable federal regulation or statute.

The Department considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency which can implement these eradication areas for plant pests. As required by Government

Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

#### AMENDED TEXT

The amendment of this regulation will establish the process for adding and removing quarantine areas for peach fruit fly, how to determine the initial size of the area, how the area may be expanded if there are additional detections of peach fruit fly within the quarantine area, where the quarantine boundary description will be located on our website, an appeal process which may be used by any interested party, a list serve option to receive automatic notification and the life cycle for peach fruit fly.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and school districts: None.  
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### *Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

#### Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California

The Department has determined the amendment of this regulation benefits:

- The general public
- Homeowners and Community Gardens
- Agricultural industry
- The State's general fund

There are no known specific benefits to worker safety or the health of California residents. The Department is not aware of any specific benefits the amendment of this regulation will have to the protection of public safety of California residents or worker safety. Based upon the economic analysis, the Department believes the amendment of this regulation benefits the general welfare of California residents. [Gov. Code sec. 11346.3(b)].

The Department has evaluated and determined that the amendment of this regulation is not inconsistent with existing State regulations. There are no other comparable existing State regulations [Gov. Code sec. 11346.5(a)(3)(D)].

#### ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

#### AUTHORITY

The Department proposes to amend subsection 3424(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street,

Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence you may contact Lindsay Rains at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

**INTERNET ACCESS**

The Department has posted the information regarding this proposed regulatory action on its Internet Web site ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

**AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:** On **April 17, 2014**, at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:** On **April 17, 2014**, at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street Sacramento, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

**BUSINESS MEETING:** On **April 17, 2014**, at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

**DISABILITY ACCOMMODATION NOTICE**

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 public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide 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.

**NOTICE OF PROPOSED CHANGES TO TITLE 8  
OF THE CALIFORNIA CODE OF REGULATIONS  
BY THE OCCUPATIONAL SAFETY AND  
HEALTH STANDARDS BOARD**

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **April 17, 2014**.

1. **TITLE 8:**     **CONSTRUCTION SAFETY ORDERS**  
                          Section 1514  
                          **GENERAL INDUSTRY SAFETY ORDERS**  
                          Section 3380  
                          **Personal Protective Devices and Safeguards**

Descriptions of the proposed changes are as follows:

1. **TITLE 8:**     **CONSTRUCTION SAFETY ORDERS**  
                          Section 1514  
                          **GENERAL INDUSTRY SAFETY ORDERS**  
                          Section 3380  
                          **Personal Protective Devices and Safeguards**

**INFORMATIVE DIGEST OF PROPOSED  
ACTION/POLICY STATEMENT OVERVIEW**

This rulemaking action was initiated by Board staff upon review of the Construction Safety Orders (CSO), Section 1514. “Personal Protective Devices” and the General Industry Safety Orders (GISO), Section 3380. “Personal Protective Devices.” GISO, Section 3380(a) in part, defines the scope of Article 10. “Personal Safety Devices and Safeguards” and also provides that protection for various parts of the body means the use of safety devices and safeguards [e.g. personal protective equipment (PPE)] must be of the proper type for the exposure.

However, an informational “NOTE” that follows Section 3380(a) setting forth certain criteria for PPE is not enforceable, is outdated and contains an obsolete reference to the Bureau of Standards, which no longer exists. The “NOTE” is proposed for deletion and replaced by an amendment that would require PPE to be approved for its intended use. A definition of “ap-

proved” and what that means is provided in GISO, Section 3206 and CSO, Section 1505.

Federal standards in 29 CFR 1926.95(a) and 29 CFR 1910.132(a) for construction and general industry, respectively, clarify specific areas of the body, including the extremities that may require PPE and require such protective equipment to be maintained in a safe condition. This rulemaking also proposes similar language to that of the aforementioned federal standards in Title 8, CSO, Section 1514 and GISO, Section 3380. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at subsection (a)(1) that the Board is “the only agency in the state authorized to adopt occupational safety and health standards.” When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Is consistent with similar federal OSHA provisions related to the use of PPE.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).
- The proposal was developed with the review of stakeholders such as, but not limited to, representatives from the Division of Occupational Safety and Health, the Operating Engineers, The International Brotherhood of Electrical Workers, the Associated General Contractors (California), the Phylmar Regulatory Roundtable, and the Public Agency Safety Management Association. The proposal will enhance the safety of employees involved on job sites and operations where employees are safeguarded through the use of PPE.

**CSO, Section 1514. Personal Protective Devices.**

Existing CSO, Section 1514 includes provisions that require employees to use personal protective equip-

ment that is approved. PPE is required to be used in accordance with the manufacturer’s instructions. Protective equipment is also required to be of a design, fit and durability as to provide adequate protection against the hazards for which they are designed.

**Subsection (b)**

Existing subsection (b) requires protective equipment to be approved and distinctly marked to facilitate identification. An amendment for clarity is added to indicate that the definition of “approved” is provided in Section 1505.

**Subsection (d)**

Existing subsection (d) states that the employer shall assure that employee-owned personal protective equipment complies with applicable standards (regulations) and that this equipment is maintained in a safe, sanitary condition. This subsection is proposed for deletion because its requirements are located within new proposed subsection (d).

A new subsection (d) incorporates the provisions in deleted subsection (d) and is consistent with its counterpart federal standard [29 CFR 1926.95(a)] that clarifies specific areas of the body, such as the extremities, that may require PPE. Additionally, the proposal includes words to the effect that equipment such as protective clothing, respiratory protection, and protective shields and barriers required by the safety orders must comply with applicable Title 8 standards and that they are to be maintained in a safe, sanitary condition. The effect of this amendment is to provide language for clarity and consistency with the counterpart federal standard and with similar provisions in proposed GISO, Section 3380(d).

**Subsection (e)**

Existing subsection (e) requires that protection used be of such design, fit and durability, and that it is reasonably comfortable and not encumber the employee’s movements. The effect of this amendment is to provide consistency with GISO, Section 3380(e) to include that the protection provided shall not encumber the employee’s movements necessary to perform his or her work.

**GISO, Section 3380. Personal Protective Devices.**

Existing Section 3380 provides a broad range of provisions applicable to the safeguarding of employees primarily through the use of PPE and devices. The provisions include the design and selection criteria for PPE. Further, this section addresses defective and damaged equipment, and covers employee training and hazard assessment. A non-mandatory Appendix A contains sample procedures to assist employers with hazard assessment procedures and the selection of PPE.

**Subsection (a)**

Section 3380(a) in part, defines the scope of Article 10. “Personal Safety Devices and Safeguards” and also provides that protection for various parts of the body means the use of safety devices and safeguards (e.g. personal protective equipment) must be of the proper type for the exposure. For optimal sequential formatting, subsection (a) is proposed to be numbered as subsections (a)(1) and (2). Several non-substantive editorial revisions were made in subsection (a)(1) that are not discussed. However, these editorial or grammatical revisions are clearly shown in the regulatory text.

Amendments proposed in the first two lines of subsection (a)(1) have the effect of clarifying that the terms “protection” and “protective” when used in combination with various parts of the body, including the items listed/used in subsection (d) mean that protective equipment must be of the proper type and design to eliminate, preclude or mitigate hazards.

However, an informational “NOTE” that follows Section 3380(a) describes that safeguards, such as personal protective equipment, must be equivalent to standards approved by the American National Standards Institute (ANSI), the Bureau of Standards, or other recognized authorities. The informational “NOTE” is not enforceable and outdated in that there are a number of national consensus standards or organizations other than ANSI that provide the criteria and design for protective equipment. These include, but are not limited to, the National Fire Protection Agency, the American Society of Testing Materials, the National Institute for Occupational Safety and Health, and others. Furthermore, the reference in the “NOTE” to the Bureau of Standards is obsolete as this Bureau no longer exists.

For the aforementioned reasons, the informational “NOTE” is proposed for deletion and replaced by a new Section 3380(a)(2) that would require PPE to be approved for its intended use. A definition of “approved” is provided in GISO, Section 3206 and CSO, Section 1505. In summary, the term “approved” allows for protective equipment to meet the criteria of recognized national consensus standards or to have been certified by a National Recognized Testing Laboratory. Where such approval is not available, the term “approved” also provides that such approval may be based on an evaluation by a registered engineer with appropriate competence. The approval may also be based upon evaluation by the Division of Occupational Safety and Health.

The effect of these amendments is to ensure that PPE is designed in conformance with applicable consensus standards for the type of protective equipment provided and/or that such protective equipment is approved for its intended use.

**Subsection (d)**

Existing subsection (d) states that the employer shall assure that all PPE, whether employer–provided or employee–provided, complies with applicable Title 8 standards and that this equipment is to be maintained in a safe, sanitary condition. The federal standard for general industry in 29 CFR 1910.132(a) clarifies specific areas of the body, including the extremities, that may require PPE and also includes items such as protective clothing, respiratory protection, and shields and barriers. Existing language provides that such protective equipment is required to be maintained in a safe and sanitary condition.

Amendments proposed for subsection (d) provide that required safety devices and safeguards, including PPE for the eyes, face, head, hand, foot, and extremities (limbs), protective clothing, respiratory protection, and protective shields and barriers, comply with applicable Title 8 standards and are maintained in a safe and sanitary condition.

The listing of specific body areas mentioned above and the inclusion of protective clothing, respiratory protection, protective shields and barriers in the proposal have the effect of providing clarity and consistency with similar provisions in proposed Section 1514(d) and those listed in the federal standard. The proposal also clarifies that “required safety devices and safeguards” must meet applicable Title 8 standards and has the effect of clarifying that this equipment is also subject to Title 8 provisions.

Language referencing whether PPE is employer– or employee–provided is relocated within proposed subsection (d). Language that pertains to employer assurances for equipment in the second to the last line of subsection (d) is unnecessary with respect to subsection (d) as proposed and, therefore, is deleted.

**Subsection (e)**

Existing subsection (e) requires in part that protection be reasonably comfortable and not encumber the employee’s movements necessary to perform “his” work. A revision is made to correct the male gender reference so that the provision applies to his or her work.

**COST ESTIMATES OF PROPOSED ACTION**

**Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

**Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

**Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete**

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal deletes an outdated informational “NOTE” in Section 3380 and provides that PPE must be approved for its intended use. PPE is typically manufactured in conformance with national consensus standards for the type of protection provided, and thus, nearly all PPE meets the definition of “approved” provided in the Construction and General Industry Safety Orders. The proposal also clarifies parts of the body that may require protective equipment consistent with existing regulatory requirements, and thus, will not have an economic impact.

**Cost Impact on Private Persons or Businesses**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

**Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

**DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

**EFFECT ON SMALL BUSINESSES**

The Board has determined that the proposed amendments may affect small businesses. However, no adverse economic impact is anticipated. The proposal clarifies parts of the body that may require personal protective devices consistent with existing regulations that require body protection from hazards and, therefore, no adverse economic impact is anticipated.

## RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The proposed regulations will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses.

## BENEFITS OF THE REGULATION

An informational “NOTE” that follows existing GISO, Section 3380(a) and sets forth certain criteria for PPE is not enforceable, is outdated and contains an obsolete reference to the Bureau of Standards, which no longer exists. The “NOTE” is proposed for deletion and replaced by an amendment [proposed Section 3380(a)(2)] that would require PPE to be approved for its intended use. A definition of “approved” and what that means is provided in GISO, Section 3206 and CSO, Section 1505. This proposal affords the employer more options in the selection of PPE such as protective equipment meeting the provisions published by the American Society of Testing Materials or the National Institute for Occupational Safety and Health and others. The proposal will also assist the Division with its enforcement activities, in that the criteria for PPE would be provided in a regulation rather than an informational “NOTE.”

Several other amendments in Sections 1514(d) and 3380(d) provide clarity and awareness by listing specific areas of the body that require protection when there are hazards.

## ALTERNATIVES STATEMENT

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

Labor Code section 144.6 provides that standards dealing with toxic materials be adopted that are most adequately protective of employee health “to the extent feasible.” Discussions were held in public meetings with advisory committees for both health and feasibility assessment. These discussions addressed a number of factors relevant to consideration of a particular value for the PEL proposed in this rulemaking. These discussions are described in the minutes included in Attachment No. 4. Labor Code section 144.6 also provides that

whenever practicable, standards for toxic materials be expressed in terms of objective criteria and of the performance desired. The proposal in this rulemaking is consistent with that stated preference in that it does not require particular specified equipment or methods for exposure level control, but rather provides an objectively stated performance criteria with affected employers determining the alternatives to use to achieve compliance in their particular operations involving employee exposure to the toxic material. The preference of Labor Code section 144.6 for performance-based standards for toxic materials is consistent with the same stated preference contained in such Government Code section 11340.1(a).

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274–5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than **April 11, 2014**. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on **April 17, 2014**, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274–5743 or e-mailed at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board’s rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

## TITLE 8. PUBLIC EMPLOYMENT RELATIONS BOARD

The Public Employment Relations Board (PERB or Board) proposes to adopt and amend the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

### REGULATORY ACTION

The Board proposes to adopt new sections 32036, 32037, 32610, 32611, 32806, 32808, 32810, 95000, 95010, 95020, 95030, 95040, 95045, 95050, 95070, 95080, 95090, 95100, 95150, 95160, 95170, 95180, 95190, 95200, 95300, 95310, 95320, and 95330, and amend sections 31001, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32085, 32090, 32091, 32100, 32105, 32120, 32122, 32130, 32132, 32135, 32136, 32140, 32142, 32145, 32147, 32149, 32150, 32155, 32162, 32164, 32165, 32166, 32168, 32169, 32170, 32175, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220, 32230, 32295, 32300, 32305, 32310, 32315, 32320, 32325, 32350, 32360, 32370, 32375, 32380, 32400, 32410, 32450, 32455, 32460, 32465, 32470, 32500, 32602, 32605, 32612, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32700, 32720, 32721, 32722, 32724, 32726, 32728, 32730, 32732, 32734, 32735, 32736, 32738, 32739, 32740, 32742, 32744, 32746, 32748, 32750, 32752, 32754, 32761, 32762, 32763, 32770, 32772, 32774, 32776, 32980, 32990, 32992, 32993, 32994, 32995, 32996 and 32997.

**Section 31001** provides for meetings of the Public Employment Relations Board. **Section 32020** provides a definition for the term "Board." **Section 32030** provides a definition for the term "Board itself." **Proposed section 32036** adopts a definition of "IHSSEERA," the In-Home Supportive Services Employer-Employee

Relations Act (Government Code section 110000 et seq.). **Proposed section 32037** adopts definition of terms applicable for cases filed under IHSSEERA. **Section 32040** provides a definition for the term "Executive Director." **Section 32050** provides a definition for the term "General Counsel." **Section 32055** provides a definition for the term "Chief Administrative Law Judge." **Section 32060** provides a definition for the term "headquarters office." **Section 32075** provides a definition for the term "regional office." **Section 32080** provides a definition for the term "day." **Section 32085** provides a definition of the term "workday" for matters over which the Board has jurisdiction. **Section 32090** provides for filing by facsimile machine. **Section 32091** provides for filing by electronic mail message. **Section 32100** provides for when regulations contained in Chapter 1 apply to PERB proceedings. **Section 32105** provides for the severability of PERB's regulations. **Section 32120** provides for the filing of collective bargaining agreements. **Section 32122** currently specifies in which "regional office" representation filings should be made, except for filings under the Ralph C. Dills Act (Government Code section 3512 et seq.) and the Higher Education Employer-Employee Relations Act (Government Code section 3560 et seq.). **Section 32130** addresses the computation of time for filing. **Section 32132** concerns the requirements for an extension of time in which to file documents with the Board. **Section 32135** concerns filing requirements. **Section 32136** concerns late filing requirements. **Section 32140** concerns service requirements. **Section 32142** concerns designation of recipients for service and filing. **Section 32145** concerns the waiver of time period requirements for filing. **Section 32147** provides for expediting matters before the Board. **Section 32149** concerns the issuance of investigative subpoenas. **Section 32150** concerns the issuance of subpoenas. **Section 32155** concerns the circumstances under which a Board agent or Board member will be disqualified to hear a case. **Section 32162** concerns the confidentiality of Board investigations. **Section 32164** concerns an application for joinder. **Section 32165** concerns an application to join a representation hearing as a limited party. **Section 32166** concerns an application to join a representation hearing as a full party. **Section 32168** concerns the conduct of hearings. **Section 32169** concerns the taking of depositions. **Section 32170** concerns the powers and authority of a Board agent conducting a hearing. **Section 32175** concerns the rules of evidence in representation cases. **Section 32176** concerns the rules of evidence in unfair practice cases. **Section 32178** concerns the burden of proof in unfair practice cases. **Section 32180** addresses the rights of the parties in PERB hearings. **Section 32185** concerns ex parte communications with Board agents. **Section 32190**

concerns filing and rulings on motions. **Section 32200** concerns the appeal of rulings on motions and other interlocutory matters. **Section 32205** concerns requests for continuances. **Section 32206** concerns the production of statements of witnesses after testimony. **Section 32207** concerns stipulation of facts for purposes of hearing. **Section 32209** addresses the procedure for correction of hearing transcripts. **Section 32210** concerns the filing of informational briefs and oral argument. **Section 32212** concerns briefs and oral argument. **Section 32215** concerns issuance of proposed decisions. **Section 32220** concerns contemptuous conduct by a party or a party's agent. **Section 32230** concerns the refusal of a witness to testify. **Section 32295** concerns ex parte communications with members of the Board itself or legal advisers to Board members. **Section 32300** concerns the filing of exceptions to Board agent decisions. **Section 32305** provides that proposed decisions become final if no timely exceptions are filed. **Section 32310** provides for the filing of responses to exceptions. **Section 32315** provides for oral argument on exceptions. **Section 32320** concerns issuance of decisions by the Board itself. **Section 32325** concerns the remedial powers of the Board. **Section 32350** provides for a definition of administrative decisions. **Section 32360** concerns requirements for appeals of administrative decisions. **Section 32370** concerns requests for a stay. **Section 32375** provides for responses to administrative appeals. **Section 32380** provides for administrative decisions that are not appealable. **Section 32400** provides that a motion for reconsideration is not required in order to exhaust administrative remedies. **Section 32410** provides for the filing of requests for reconsideration. **Section 32450** concerns the filing of requests for injunctive relief. **Section 32455** concerns the investigation of requests for injunctive relief. **Section 32460** provides for recommendations by the General Counsel concerning requests for injunctive relief. **Section 32465** provides for decisions by the Board itself concerning requests for injunctive relief. **Section 32470** addresses the authority of the General Counsel concerning requests for injunctive relief where a quorum of the Board itself is unavailable. **Section 32500** provides for requests for judicial review concerning representation cases. **Section 32602** provides for the processing of unfair practice charges. **Section 32605** concerns the number of copies of unfair practice charges required for filing. **Proposed section 32610** describes unfair practices by the employer. **Proposed section 32611** describes unfair practices by employee organizations.

**Section 32612** specifies in which "regional office" unfair practice charge filings should be made. **Section 32615** concerns the information required to be included in an unfair practice charge. **Section 32620** concerns

the processing of unfair practice charges. **Section 32621** concerns the amending of unfair practice charges. **Section 32625** concerns the withdrawal of unfair practice charges. **Section 32630** concerns the dismissal of unfair practice charges. **Section 32635** provides for the appeal of dismissals of unfair practice charges. **Section 32640** concerns the issuance of complaints in unfair practice charge cases. **Section 32644** provides for the filing of an answer in unfair practice charges where a complaint issues. **Section 32645** concerns non-prejudicial errors in unfair practice charges and related documents. **Section 32647** concerns amendments to complaints in unfair practice charge cases before hearing. **Section 32648** concerns amendments to complaints in unfair practice charge cases during a hearing. **Section 32649** concerns the filing of answers to amendments to complaints in unfair practice charge cases. **Section 32650** concerns the conduct of informal settlement conferences in unfair practice charge cases. **Section 32661** concerns the filing of repugnancy claims regarding unfair practice charge cases deferred to arbitration. **Section 32680** concerns the conduct of hearings on unfair practice charges. **Section 32690** concerns notice of hearing in unfair practice charge cases. **Section 32700** concerns the requirements for valid proof of employee support in representation proceedings. **Section 32720** provides for when an election will be conducted in representation matters arising under the Educational Employment Relations Act (Government Code section 3540 et seq.), the Ralph C. Dills Act (Government Code section 3512 et seq.), the Higher Education Employer–Employee Relations Act (Government Code section 3560 et seq.), and the Transit Employer–Employee Relations Act (Public Utilities Code section 99560 et seq.). **Section 32721** defines the term "parties" in representation matters arising under the Educational Employment Relations Act (Government Code section 3540 et seq.), the Ralph C. Dills Act (Government Code section 3512 et seq.), the Higher Education Employer–Employee Relations Act (Government Code section 3560 et seq.), and the Transit Employer–Employee Relations Act (Public Utilities Code section 99560 et seq.). **Section 32722** concerns the creation of ballots in representation matters. **Section 32724** provides for notification to employees in a voting unit when an election is to be conducted. **Section 32726** concerns the employer's obligation to file a voter list with PERB. **Section 32728** concerns the requirements for an employee to be eligible to vote in an election. **Section 32730** concerns the parties' right to station observers at an election. **Section 32732** concerns the power to challenge the eligibility of a voter. **Section 32734** concerns the parties' right to station an authorized agent at the ballot count. **Section 32735** concerns the resolution of challenged ballots. **Section 32736** provides for a runoff election in the

event a valid election does not result in any of the choices receiving a majority of the valid votes cast. **Section 32738** concerns the parties' ability to object to the conduct of an election. **Section 32739** concerns a Board agent's powers and duties concerning objections to the conduct of an election. **Section 32740** provides for a party's ability to withdraw any objections to the conduct of an election. **Section 32742** provides for the hearing procedures to be used to resolve any objections or challenges. **Section 32744** provides the procedure in which a party may file exceptions to a Board agent's proposed decision on objections to the conduct of an election or challenged ballots. **Section 32746** concerns the revised tally of ballots following a ruling on challenged ballots. **Section 32748** permits any party to file objections to a revised tally of ballots. **Section 32750** concerns the certification of results of an election or certification of the exclusive representative. **Section 32752** concerns when the Board may stay an election pending the resolution of an unfair practice charge relating to the voting unit. **Section 32754** provides for when the Board must summarily dismiss a petition requiring a representation election. **Section 32761** provides for the filing of petitions by employee organizations requesting amendment of certification. **Section 32762** concerns an employer's response to a petition for amendment of certification. **Section 32763** concerns the Board's investigation following receipt of a petition for amendment of certification. **Section 32770** provides for the filing of decertification petitions. **Section 32772** provides for notification to employees in a voting unit when a decertification petition has been filed. **Section 32774** provides the process by which the Board will determine proof of support. **Section 32776** provides for the Board's procedure for investigating petitions for decertification. **Proposed section 32806** describes the process by which the Board will appoint a mediator. **Proposed section 32808** describes the process by which the Board will convene a factfinding panel. **Proposed section 32810** describes the process by which the Board will appoint a chairperson of the factfinding panel. **Section 32980** provides for the enforcement of compliance with final decisions of the Board. **Section 32990** defines the term "agency fee" for purposes of these regulations and identifies the statutory provisions establishing agency fee under PERB's jurisdiction. **Section 32992** describes the requirements for notification to nonmembers regarding "agency fee." **Section 32993** describes the exclusive representative's obligation to administer an objection procedure regarding an agency fee. **Section 32994** describes the process by which an agency fee payer may challenge the exclusive representative's determination of the chargeable expenditures contained in the agency fee amount. **Section 32995** describes the requirements concerning the es-

crow of agency fee amounts that are in dispute. **Section 32996** provides for the filing of Agency Fee Appeals Procedures by exclusive representatives that receive agency fees. **Section 32997** provides that violation of Sections 32990 through 32996 is an unfair practice. **Proposed section 95000** defines the term "parties". **Proposed section 95010** defines the term "window period". **Proposed section 95020** allows the withdrawal of a petition. **Proposed section 95030** provides for the conduct of an informal settlement conference. **Proposed section 95040** provides for a notice of hearing. **Proposed section 95045** concerns the conduct of a hearing and issuance of a proposed decision. **Proposed section 95050** provides for the issuance of an administrative decision. **Proposed section 95070** concerns decisions of the Board itself. **Proposed section 95080** provides for the issuance of a notice of decision. **Proposed section 95090** concerns the eligibility to appear on an election ballot. **Proposed section 95100** concerns the conduct of elections. **Proposed section 95150** provides for the filing of a petition for certification. **Proposed section 95160** concerns the posting of the notice of the petition for certification. **Proposed section 95170** concerns the manner in which the Board will determine proof of support for petitions for certification. **Proposed section 95180** concerns the employer's response to a petition for certification. **Proposed section 95190** concerns amendments to a petition for certification. **Proposed section 95200** concerns the Board's investigation of a petition for certification. **Proposed section 95300** provides for the filing of a petition to rescind an agency shop agreement or provision. **Proposed section 95310** concerns the proof of support determination for a rescission petition. **Proposed section 95320** concerns the conduct of an election on a rescission petition. **Proposed section 95330** describes when a bar to the filing of a rescission petition would exist.

## PUBLIC HEARING

The Board will hold a public hearing at 10:00 a.m., on April 17, 2014, in Room 103 of its headquarters building, located at 1031 18th Street, Sacramento, California. Room 103 is wheelchair accessible. At the hearing, any person may orally present statements or arguments relevant to the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing. Any person wishing to testify at the hearing is requested to notify the Office of the General Counsel as early as possible by calling (916) 322-3198 to permit the orderly scheduling of witnesses and to permit arrangements for an interpreter to be made if necessary.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on April 14, 2014. Written comments will also be accepted at the public hearing. Submit written comments to:

Jonathan Levy, Regional Attorney  
Public Employment Relations Board  
1031 18th Street  
Sacramento, CA 95811  
(916) 327-8387  
FAX: (916) 327-6377  
E-mail: [jlevy@perb.ca.gov](mailto:jlevy@perb.ca.gov)

or

Kent Morizawa, Regional Attorney  
Public Employment Relations Board  
700 N. Central Avenue, Suite 200  
Glendale, CA 92103  
(818) 551-2807  
FAX: (818) 551-2820  
E-mail: [kmorizawa@perb.ca.gov](mailto:kmorizawa@perb.ca.gov)

AUTHORITY AND REFERENCE

Pursuant to Government Code section 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Educational Employment Relations Act. Pursuant to Government Code sections 3509(a) and 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Meyers-Milias-Brown Act. Government Code section 3513(h) authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Ralph C. Dills Act. Government Code section 3563(f) authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Higher Education Employer-Employee Relations Act. Pursuant to Public Utilities Code section 99561(f), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act. Pursuant to Government Code sections 3541.3(g) and 71639.1(b), the

Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Employment Protection and Governance Act. Pursuant to Government Code sections 3541.3(g) and 71825(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Interpreter Employment and Labor Relations Act. Pursuant to Government Code sections 3541.3(g) and 110015, the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the In-Home Supportive Services Employer-Employee Relations Act.

General reference for **section 31001** of the Board's regulations: Sections 3509, 3513(h), 3541.3, 3563, 71639.1, 71825 and 110015, Government Code; and Section 99561, Public Utilities Code. General reference for **section 32020** of the Board's regulations: Sections 3501(f), 3509, 3513(h), 3540.1(a), 3541, 3562(b), 71639.1(a), 71825(a) and 110003(a), Government Code; and Section 99560.1(b), Public Utilities Code. General reference for **section 32030** of the Board's regulations: Sections 3501(f), 3509, 3513(h), 3540.1(a), 3541, 3562(b), 71639.1(a), 71825(a) and 110003(a), Government Code; and Section 99560.1(b), Public Utilities Code. General reference for **proposed section 32036**: Section 110000, Government Code. General reference for **proposed section 32037**: Sections 110003(b), (c), (d), (i), (j), (k), 110005, 110006 and 110009, Government Code. General reference for **section 32040** of the Board's regulations: Section 3541(f), Government Code. General reference for **section 32050** of the Board's regulations: Section 3541(f), Government Code. General reference for **section 32055** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3563(j), 71639.1, 71825 and 110015, Government Code; and Section 99561(j), Public Utilities Code. General reference for **section 32060** of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1, 71825 and 110015, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32075** of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1, 71825 and 110015, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32080** of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1, 71825 and 110015, Government Code; and Section 99561(f), Public Utilities Code. General reference for **section 32085** of the Board's regulations: Sections 3509, 3541.3(n), 3563(m), 3513(h), 3541.3(g), 3563(f), 71639.1, 71825 and 110015, Government Code; and Section 99561(f), Public Utilities Code. General reference for **section**

**32090** of the Board's regulations: Sections 3509, 3513, 3514.5, 3541.3, 3541.5, 3563, 3563.2, 71639.1, 71825 and 110015, Government Code; and Sections 99561 and 99561.2, Public Utilities Code. General reference for **section 32091** of the Board's regulations: Sections 3509, 3513, 3514.5, 3541.3, 3541.5, 3563, 3563.2, 71639.1, 71825 and 110015, Government Code; and Sections 99561 and 99561.2, Public Utilities Code. General reference for **section 32100** of the Board's regulations: Section 19604, Business and Professions Code; Section 57031, Food and Agricultural Code; Sections 3502.5, 3507, 3507.1, 3507.3, 3507.5, 3508, 3509, 3513(h), 3541.3, 3563, 3600, 3601, 3602, 3603, 3611, 71632.5, 71636, 71636.1, 71636.3, 71637, 71637.1, 71639.1, 71823, 71825 and 110015, Government Code; Section 2686, Labor Code; and Sections 25051, 25052, 28850, 28851, 30750, 30751, 30754, 30756, 40120, 40122, 50120, 50121, 70120, 70122, 90300, 95650, 95651, 98162.5, 99561, 100301, 100305, 100306, 101341, 101342, 101344, 102401, 102403, 103401, 103404, 103405, 103406, 125521, 125526, Appendix 1, Sections 4.2 and 4.4, and Appendix 2, Sections 13.90, 13.91, and 13.96, Public Utilities Code. General reference for **section 32105** of the Board's regulations: Sections 3509, 3513(h), 3541.3, 3563, 71639.1, 71825 and 110015, Government Code; and Section 99561, Public Utilities Code. General reference for **section 32120** of the Board's regulations: Sections 3509, 3513(h), 3524, 3541.3(n), 3563(m), 3541.3(f), (g), 71639.1, 71825 and 110015, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32122** of the Board's regulations: Sections 3509, 3541.3(n), 71639.1, 71807, 71825 and 110015, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32130** of the Board's regulations: Sections 3509, 3513(h), 3541.3, 3544.7(b), 3563, 3577(b), 71639.1, 71825 and 110015, Government Code; and Sections 99561 and 99564.4(b), Public Utilities Code. General reference for **section 32132** of the Board's regulations: Sections 3509, 3509.3, 3513(h), 3520.8, 3541.3(n), 3541.35, 3563(m), 3563.5, 71639.1, 71639.15, 71825, 71825.05, 110015 and 110016, Government Code; and Sections 99561(m) and 99561.4, Public Utilities Code. General reference for **section 32135** of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1, 71825 and 110015, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32136** of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1, 71825 and 110015, Government Code; and Sections 12, 12(a) and 1013, Code of Civil Procedure; and Section 99561(m), Public Utilities Code. General reference for **section 32140** of the Board's regulations: Sections 3509,

3513(h), 3541.3(n), 3563(m), 71639.1, 71825 and 110015, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32142** of the Board's regulations: Sections 3501(c), 3513(j), 3541.3(n), 3563(m), 71601(k), 71639.1, 71801(h), 71807, 71825, 110003(k) and 110015, Government Code; and Section 99560.1(g), (h) Public Utilities Code. General reference for **section 32145** of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1, 71825 and 110015, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32147** of the Board's regulations: Sections 3509, 3513(h), 3541.3(n), 3563(m), 71639.1, 71825 and 110015, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32149** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32150** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 3601, 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32155** of the Board's regulations: Sections 3509, 3509.5, 3513, 3520, 3541.3, 3542, 3563, 3564, 71639.1, 71639.4, 71825, 71825.1, 110015 and 110017, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561, 99562, 100301, 101344, 102403, 103401, 120505, and 125521, Public Utilities Code. General reference for **section 32162** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code.

General reference for **section 32164** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32165** of the Board's regulations: Sections 3509, 3513(h), 3541.3(a), (b), (h), (l), (m), (n), 3563(a), (c), (g), (k), (l), 71639.1, 71825 and 110015, Government Code; and Section 99561(a), (c), (g), (k), (l), Public Utilities Code. General reference for **section 32166** of the Board's regulations: Sections 3509, 3513(h), 3541.3(a), (b), (h), (l), (m), (n), 3563(a), (c), (g), (k), (l), 71639.1, 71825 and 110015, Government Code; and Section 99561(a), (c), (g), (k), (l), Public Utilities Code. General reference for **section 32168** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), (k), 3563(g), (j), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), (j), Public Utilities Code. General reference for **section 32169** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and

110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32170** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), (k), 3563(g), (j), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), (j), Public Utilities Code. General reference for **section 32175** of the Board's regulations: Sections 3509, 3513(h), 3541.3(a), (b), (h), (l), (m), 3563(a), (c), (g), (k), (l), 71639.1, 71825 and 110015, Government Code; and Section 99561(a), (c), (g), (k), (l), Public Utilities Code. General reference for **section 32176** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), (i), 3563(g), (h), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), (h), Public Utilities Code. General reference for **section 32178** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), (i), 3563(g), (h), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), (h), Public Utilities Code. General reference for **section 32180** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32185** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), (i), and (n), 3563(g), (h) and (m), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), (h) and (m), Public Utilities Code. General reference for **section 32190** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32200** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32205** of the Board's regulations; Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32206** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32207** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32209** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32210** of the Board's regulations: Sections 3509, 3513(h), 3541.3 (a), (b), (e), (g), (h), (i), (l), (m), (n), 3563 (a), (b), (e), (f), (g), (h), (k), (l), (m), 71639.1, 71825 and 110015, Government Code; and Section

99561, Public Utilities Code. General reference for **section 32212** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32215** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32220** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32230** of the Board's regulations: Sections 3509, 3513(h), 3541.3(h), 3563(g), 71639.1, 71825 and 110015, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32295** of the Board's regulations: Sections 3509, 3513, 3514.5, 3541.3, 3541.5, 3563, 3563.2, 71639.1, 71825 and 110015, Government Code; and Sections 99561 and 99561.2, Public Utilities Code. General reference for **section 32300** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1, 71825 and 110015, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505, and 125521, Public Utilities Code. General reference for **section 32305** of the Board's regulations: Sections 3509, 3509.3, 3513(h), 3520.8, 3541.3(k), (n), 3541.35, 3563(j), (m), 3563.5, 71639.1, 71639.15, 71825, 71825.05, 110015 and 110016, Government Code; and Section 99561(j), (m), and 99561.4, Public Utilities Code. General reference for **section 32310** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1, 71825 and 110015, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505, and 125521, Public Utilities Code. General reference for **section 32315** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1, 71825 and 110015, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505, and 125521, Public Utilities Code. General reference for **section 32320** of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3541.3(k), (n), 3563(j), (m), 3563.2, 11425.60, 71639.1, 71825 and 110015, Government Code; and Sections 99561(j), (m) and 99561.2, Public Utilities Code. General reference for **section 32325** of the Board's regulations: Sections 3509, 3509.5, 3514.5(c), 3520, 3541.5(c), 3542, 3563.3, 3564, 71639.1,

71639.4, 71825, 71825.1, 110015 and 110017, Government Code; Section 99561(f), Public Utilities Code, and *Firefighters Union, Local 1186 v. City of Vallejo* (1974) 12 Cal.3d 608. General reference for **section 32350** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1, 71825 and 110015, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505, and 125521, Public Utilities Code. General reference for **section 32360** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1, 71825 and 110015, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505, and 125521, Public Utilities Code. General reference for **section 32370** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1, 71825 and 110015, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505, and 125521, Public Utilities Code. General reference for **section 32375** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1, 71825 and 110015, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505, and 125521, Public Utilities Code. General reference for **section 32380** of the Board's regulations: Sections 3505.4, 3509, 3513(h), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1, 71825 and 110015, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505, and 125521, Public Utilities Code. General reference for **section 32400** of the Board's regulations: Sections 3509, 3509.5, 3520, 3542, 3564, 71639.4, 71825.1 and 110017, Government Code; and Section 99562, Public Utilities Code. General reference for **section 32410** of the Board's regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1, 71825 and 110015, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505, and 125521, Public Utilities Code. General reference for **section 32450** of the Board's regulations: Reference: Sections 3509, 3513(h), 3541.3(j), (n), 3563(i), 71639.1, 71825 and 110015, Government Code; and Section 99561(i), Public Utilities Code. General reference for **section 32455** of the Board's regulations: Sec-

tions 3509, 3513(h), 3541.3(j), 3563(i), 71639.1, 71825 and 110015, Government Code; and Section 99561(i), Public Utilities Code. General reference for **section 32460** of the Board's regulations: Sections 3509, 3513(h), 3541.3(j), (n), 3563(i), (m), 71639.1, 71825 and 110015, Government Code; and Section 99561(i), (m), Public Utilities Code. General reference for **section 32465** of the Board's regulations: Sections 3509, 3513(h), 3541.3(j), (n), 3563(i), (m), 71639.1, 71825 and 110015, Government Code; and Section 99561(i), (m), Public Utilities Code. General reference for **section 32470** of the Board's regulations: Sections 3509, 3513(h), 3541(f), (g), 3541.3(j), (k), 3563(i), (j), 71639.1, 71825 and 110015, Government Code; and Section 99561(i), (j), Public Utilities Code. General reference for **section 32500** of the Board's regulations: Sections 3509, 3509.5, 3520, 3542, 3564, 71639.4, 71825.1 and 110017, Government Code; and Section 99562, Public Utilities Code. General reference for **section 32602** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71636, 71636.3, 71637.1, 71639.1, 71814, 71823, 71825, 110015, 110019 and 110035, Government Code; and Sections 99561(h), 9561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code. General reference for **section 32605** of the Board's regulations: Sections 3502.5, 3509, 3513(h), 3514.5, 3515.7, 3523, 3541.3(i), (n), 3541.5, 3546.5, 3547, 3547.5, 3563(h), (m), 3563.2, 3584, 3587, 3595, 71632.5, 71636, 71636.3, 71637.1, 71639.1, 71814, 71823, 71825, 110015 and 110019, Government Code; and Sections 99561(h), 99561.2, 99566.3, and 99569, Public Utilities Code. General reference for **proposed section 32610**: Sections 110002, 110006, 110007, 110009, 110010, 110011, 110018, 110020, 110021, 110022, 110023, 110024, 110025, 110026, 110027, 110029, 110030, 110032, 110033, 110034 and 110035, Government Code. General reference for **proposed section 32611**: Sections 110002, 110010, 110015, 110018, 110019, 110023, 110025, 110026, 110029, 110030, 110032 and 110035, Government Code. General reference for **section 32612** of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3541.3(i), 3541.5, 3563(h), 3563.2, 71639.1, 71807, 71825 and 110015, Government Code; and Sections 99561(h) and 99561.2, Public Utilities Code. General reference for **section 32615** of the Board's regulations: Sections 3502.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814, 71825, 110015, 110019 and 110035, Government Code; and Sections 99561(h), 99561.2, 99563.7,

99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32620** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(h), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71825, 110015 and 110019, Government Code; Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code; *Firefighters Union, Local 1186 v. City of Vallejo* (1974) 12 Cal.3d 608, and *Coachella Valley Mosquito and Vector Control District v. Public Employment Relations Board* (2005) 35 Cal.4th 1072. General reference for **section 32621** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71636, 71636.3, 71637.1, 71639.1, 71814, 71823, 71825, 110015 and 110019, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code. General reference for **section 32625** of the Board's regulations: Sections 3502.5, 3509, 3513, 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814, 71825, 110015 and 110019, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code. General reference for **section 32630** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i) and (n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814, 71825, 110015 and 110019, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code. General reference for **section 32635** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814, 71825, 110015 and 110019, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code. General reference for **section 32640** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814, 71825, 110015 and 110019, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code. General reference for **section 32644** of

the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814, 71825, 110015 and 110019, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code. General reference for **section 32645** of the Board's regulations: Sections 3509, 3514.5(a), 3541.5(a), 3563.2, 71639.1, 71825 and 110015, Government Code; and Sections 99561(h), 99561.2, 99563.7 and 99563.8, Public Utilities Code. General reference for **section 32647** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814, 71825, 110015 and 110019, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code. General reference for **section 32648** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814, 71825, 110015 and 110019, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code. General reference for **section 32649** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814, 71825, 110015 and 110019, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code. General reference for **section 32650** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814, 71825, 110015 and 110019, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, and 99569, Public Utilities Code. General reference for **section 32661** of the Board's regulations; Sections 3506.5, 3509, 3514.5, 3519, 3519.5, 3541.5, 3543.5, 3543.6, 3563.2, 3571, 3571.1, 3571.3, 3589, 71639.1, 71825 and 110015, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8 and 99567, Public Utilities Code. General reference for **section 32680** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3541.3(i),



Sections 99561(c), (e), (k), (l), 99564, 99564.1, 99564.2, 99564.3, 99564.4 and 99566.1, Public Utilities Code. General reference for **section 32742** of the Board's regulations: Sections 3513(h), 3520.5(b), 3541.3(c), (h), 3544.1(a), 3544.3, 3544.7(a), 3546, 3563(c), (g), 3574(a), 3577, 3579(e), 3583.5, 110019, 110027 and 110035, Government Code; and Sections 99561(c), (e), (g), (k), (l), 99564, 99564.1, 99564.2, 99564.3, 99564.4 and 99566.1, Public Utilities Code. General reference for **section 32744** of the Board's regulations: Sections 3513(h), 3520.5(b), 3541.3(c), (h), 3544.1(a), 3544.3, 3544.7(a), 3546, 3563(c), (m), 3574(a), 3577, 3579(e), 3583.5, 110019, 110027 and 110035, Government Code; and Sections 99561(c), (e), (k), (l), 99564, 99564.1, 99564.2, 99564.3, 99564.4 and 99566.1, Public Utilities Code. General reference for **section 32746** of the Board's regulations: Sections 3520.5(b), 3544.1(a), 3544.3, 3544.7(a), 3546, 3574(a), 3577, 3579(e), 3583.5, 110019, 110027 and 110035, Government Code; and Sections 99561(c), (e), (k), (l), 99564, 99564.1, 99564.2, 99564.3, 99564.4 and 99566.1, Public Utilities Code. General reference for **section 32748** of the Board's regulations: Sections 3513(h), 3520.5(b), 3541.3(c), 3544.1(a), 3544.3, 3544.7(a), 3546, 3563(c), 3574(a), 3577, 3579(e), 3583.5, 110019, 110027 and 110035, Government Code; and Sections 99561(c), (e), (k), (l), 99564, 99564.1, 99564.2, 99564.3, 99564.4 and 99566.1, Public Utilities Code. General reference for **section 32750** of the Board's regulations: Sections 3513(h), 3520.5(b), 3541.3(c), 3544.1(a), 3544.3, 3544.7(a), 3546, 3563(c), 3574(a), 3577, 3579(e), 3583.5, 110019, 110027 and 110035, Government Code; and Sections 99561(c), (e), (k), (l), 99564, 99564.1, 99564.2, 99564.3, 99564.4 and 99566.1, Public Utilities Code. General reference for **section 32752** of the Board's regulations: Sections 3513(h), 3520.5(b), 3541.3(c), 3544.1(a), 3544.3, 3544.7(a), 3546, 3563(c), 3574(a), 3577, 3579(e), 3583.5, 110019, 110027 and 110035, Government Code; and Sections 99561(c), (e), (k), (l), 99564, 99564.1, 99564.2, 99564.3, 99564.4 and 99566.1, Public Utilities Code. General reference for **section 32754** of the Board's regulations: Sections 3513(h), 3520.5(b), 3541.3(c), 3544.1(a), 3544.3, 3544.7(a), 3546, 3563(c), 3574(a), 3577, 3579(e), 3583.5 and 110027, Government Code; and Sections 99561(c), (k), 99564, 99564.1, 99564.2, 99564.3, 99564.4 and 99566.1, Public Utilities Code. General reference for **section 32761** of the Board's regulations: Sections 3513(h), 3541.3(m), 3563(l) and 110027, Government Code; and Section 99561(l), Public Utilities Code. General reference for **section 32762** of the Board's regulations: Sections 3513(h), 3541.3(m), 3563(l) and 110027, Government Code; and Section 99561(l), Public Utilities Code. General

reference for **section 32763** of the Board's regulations: Sections 3513(h), 3541.3(h), (m), 3563(g), (l) and 110027, Government Code; and Section 99561(g), (l), Public Utilities Code. General reference for **section 32770** of the Board's regulations: Sections 3513(h), 3541.3(g), 3563(k), 110027 and 110035(b), Government Code; and Sections 99561(k) and 99564.3, Public Utilities Code. General reference for **section 32772** of the Board's regulations: Sections 3513(h), 3524, 3541.3(g), 3563(k), 110027 and 110035(b), Government Code; and Sections 99561(k) and 99564.3, Public Utilities Code. General reference for **section 32774** of the Board's regulations: Sections 3513(h), 3541.3(g), 3563(k), 110027 and 110035(b), Government Code; and Sections 99561(k) and 99564.3, Public Utilities Code. General reference for **section 32776** of the Board's regulations: Sections 3513(h), 3541.3(g), 3520.5, 3563(k), 110027 and 110035(b), Government Code; and Sections 99561(k), 99564.3 and 99564.4, Public Utilities Code. General reference for **proposed section 32806**: Section 110029, Government Code. General reference for **proposed section 32808**: Section 110030, Government Code. General reference for **proposed section 32810**: Section 110030, Government Code. General reference for **section 32980** of the Board's regulations: Sections 3509, 3509.5, 3514.5(c), 3520, 3541.5(c), 3542, 3563.3, 3564, 71639.1, 71639.4, 71825, 71825.1, 110015 and 110017, Government Code; and Sections 99561.3 and 99562, Public Utilities Code, and *Firefighters Union, Local 1186 v. City of Vallejo* (1974) 12 Cal.3d 608. General reference for **section 32990** of the Board's regulations: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5, 71814 and 110019, Government Code; Section 99566.1, Public Utilities Code; and *Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292. General reference for **section 32992** of the Board's regulations: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5, 71814 and 110019, Government Code; Section 99566.1, Public Utilities Code; *Harik v. California Teachers Association* (9th Cir. 2003) 326 F.3d 1042, *Grunwald v. San Bernardino Unified School District* (9th Cir. 1990) 994 F.2d 1370, cert. denied, 510 U.S. 964 (1993), *Cummings v. Connell* (9th Cir. 2003) 316 F.3d 886, and *Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292. General reference for **section 32993** of the Board's regulations: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 71632.5, 71814 and 110019, Government Code; Section 99566.1, Public Utilities Code; and *Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292. General reference for **section 32994** of the Board's regulations: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5, 71814 and 110019, Government Code; Section 99566.1, Public Utilities Code; and

*Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292. General reference for **section 32995** of the Board's regulations: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5, 71814 and 110019, Government Code; Section 99566.1, Public Utilities Code; and *Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292 and *Grunwald v. San Bernardino Unified School District* (9th Cir. 1990) 994 F.2d 1370, cert. denied, 510 U.S. 964 (1993). General reference for **section 32996** of the Board's regulations: Sections 3502.5, 3515.7, 3540.1(i), 3543, 3546, 3583.5, 71632.5, 71814 and 110019, Government Code; Section 99566.1, Public Utilities Code; and *Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292. General reference for **section 32997** of the Board's regulations: Sections 3502.5, 3515.7, 3519.5, 3540.1(i), 3542(d), 3543.6, 3543, 3546, 3546.5, 3563.2, 3564(d), 3571.1, 3583.5, 71632.5, 71814 and 110019, Government Code; Sections 99563.8, 99566.1 and 99566.3, Public Utilities Code; *Harik v. California Teachers Association* (9th Cir. 2003) 326 F.3d 1042, *Grunwald v. San Bernardino Unified School District* (9th Cir. 1990) 994 F.2d 1370, cert. denied, 510 U.S. 964 (1993), *Cummings v. Connell* (9th Cir. 2003) 316 F.3d 886, and *Chicago Teachers Union, Local No. 1 v. Hudson* (1986) 475 U.S. 292. General reference for **proposed section 95000**: Sections 3541.3, 110015, 110019 and 110027, Government Code. General reference for **proposed section 95010**: Sections 3541.3, 110015 and 110027, Government Code. General reference for **proposed section 95020**: Sections 3541.3, 110015, 110019, 110027 and 110035, Government Code. General reference for **proposed section 95030**: Sections 3541.3, 110015, 110019, 110027 and 110035, Government Code. General reference for **proposed section 95040**: Sections 3541.3, 110015, 110019, 110027 and 110035, Government Code. General reference for **proposed section 95045**: Sections 3541.3, 110015, 110019, 110027 and 110035, Government Code. General reference for **proposed section 95050**: Sections 3541.3, 110015, 110019, 110027 and 110035, Government Code. General reference for **proposed section 95070**: Sections 3541.3, 110015, 110019, 110027 and 110035, Government Code. General reference for **proposed section 95080**: Sections 3541.3, 110015, 110019, 110027 and 110035, Government Code. General reference for **proposed section 95090**: Sections 3541.3, 110008, 110015, 110019, 110027 and 110035, Government Code. General reference for **proposed section 95100**: Sections 3541.3, 110015, 110019, 110027 and 110035, Government Code. General reference for **proposed section 95150**: Sections 3541.3, 110008, 110015 and 110027, Government Code. General reference for **proposed section 95160**: Sections 3541.3, 110008, 110015 and 110027, Govern-

ment Code. General reference for **proposed section 95170**: Sections 3541.3, 110008, 110015 and 110027, Government Code. General reference for **proposed section 95180**: Sections 3541.3, 110008, 110015 and 110027, Government Code. General reference for **proposed section 95190**: Sections 3541.3, 110008, 110015 and 110027, Government Code. General reference for **proposed section 95200**: Sections 3541.3, 110008, 110015 and 110027, Government Code. General reference for **proposed section 95300**: Sections 3541.3, 110015 and 110019, Government Code. General reference for **proposed section 95310**: Sections 3541.3, 110015 and 110019, Government Code. General reference for **proposed section 95320**: Sections 3541.3, 110015 and 110019, Government Code. General reference for **proposed section 95330**: Sections 3541.3, 110015 and 110019, Government Code.

#### POLICY STATEMENT OVERVIEW

PERB is a quasi-judicial agency that oversees public sector collective bargaining in California. PERB presently administers eight collective bargaining statutes, ensures their consistent implementation and application, and adjudicates disputes between the parties subject to them. The statutes administered by PERB include: the Meyers-Miliias-Brown Act (MMBA) of 1968, which established collective bargaining for California's city, county, and local special district employers and employees; the Educational Employment Relations Act (EERA) of 1976 establishing collective bargaining in California's public schools (K-12) and community colleges; the State Employer-Employee Relations Act of 1978, known as the Ralph C. Dills Act (Dills Act), establishing collective bargaining for state government employees; the Higher Education Employer-Employee Relations Act (HEERA) of 1979 extending the same coverage to the California State University System, the University of California System and Hastings College of Law; the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) of 2003, which covers supervisory employees of the Los Angeles County Metropolitan Transportation Authority; and the Trial Court Employment Protection and Governance Act (Trial Court Act) of 2000, and the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) of 2002, which together provide for collective bargaining rights for most California trial court employees. Effective June 27, 2012, PERB was given jurisdiction to administer the In-Home Supportive Services Employer-Employee Relations Act of 2012 (IHSSEERA), which is applicable to certain in-home supportive services providers (IHSS providers), who are considered "employees" of the California In-

Home Supportive Services Authority (Statewide Authority) for purposes of collective bargaining.

As explained in more detail below in the Informative Digest, IHSSEERA's implementation affects hundreds of thousands of IHSS providers in California, the Statewide Authority, and the employee organizations that represent IHSS providers under IHSSEERA. Current PERB regulations implement the Board's jurisdiction over this statutory scheme only through temporary emergency regulations that will expire on June 5, 2014 without further action by PERB. The emergency regulations extend the scope of existing regulations to matters arising under IHSSEERA and add new procedures for the filing of representation petitions and unfair practice charges under IHSSEERA. The proposed regulations will ensure that the procedural and substantive rights of IHSS providers, employee organizations, and the Statewide Authority created under IHSSEERA remain protected by making the existing emergency regulations permanent.

#### INFORMATIVE DIGEST

##### A. Adoption of New Sections In Effect Pursuant to Emergency Regulations

**Proposed section 32036** adopts a definition of "IHSSEERA," the In-Home Supportive Services Employer-Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 32037** adopts definitions of terms applicable for matters arising under the In-Home Supportive Service Employer-Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 32610** describes unfair practices by the employer under the In-Home Supportive Service Employer-Employee Relations Act (Government Code section 110000 et seq.). Government Code section 110015 provides PERB with authority to process alleged violations of IHSSEERA as unfair practice charges. Because the section of the statute does not specifically identify the types of acts that might be considered to be unfair practices, parties operating under IHSSEERA are left without guidance about how to operate within the meaning of the law. Section 32610 prohibits the types of conduct that have been traditionally identified as unfair practices under other labor relations laws, including the Meyers-Milias-Brown Act (Government Code section 3500 et seq.). Without such rules, PERB's only method of identifying the types of conduct that constitute unfair practices will be through case-by-case deliberation. Such an approach would leave the parties without guidance for a long period of time.

**Proposed section 32611** describes unfair practices by employee organizations under the In-Home Supportive Service Employer-Employee Relations Act (Government Code section 110000 et seq.). Government Code section 110015 provides PERB with authority to process alleged violations of IHSSEERA as unfair practices. Because the section does not specifically identify the types of acts that might be considered to be unfair practices, parties operating under IHSSEERA are left without guidance about how to operate within the meaning of the law. Section 32611 prohibits the types of conduct that have been traditionally identified as unfair practices under other labor relations laws, including the Meyers-Milias-Brown Act (Government Code section 3500 et seq.). Without such rules, PERB's only method of identifying the types of conduct that constitute unfair practices will be through case-by-case deliberation. Such an approach would leave the parties without guidance for a long period of time.

**Proposed section 32806** describes the process by which the Board will appoint a mediator under the In-Home Supportive Service Employer-Employee Relations Act (Government Code section 110000 et seq.). Government Code section 110029 makes mediation mandatory in the event the parties cannot resolve a dispute during bargaining, and provides PERB with authority to promulgate rules regarding the appointment of a mediator.

**Proposed section 32808** describes the process by which the Board will convene a factfinding panel under the In-Home Supportive Service Employer-Employee Relations Act (Government Code section 110000 et seq.). Government Code section 110030 provides that the parties are required to submit to factfinding if mediation does not affect settlement of the dispute. Proposed section 32808 provides further clarification to the factfinding procedures in Government Code section 110030.

**Proposed section 32810** describes the process by which the Board will appoint a chairperson of the factfinding panel under the In-Home Supportive Service Employer-Employee Relations Act (Government Code section 110000 et seq.). Government Code section 110030 sets forth a general procedure for the selection of a chairperson for the factfinding panel. Proposed section 32810 provides clarity to the parties by expanding on the general procedure in Government Code section 110030 and creating specific timelines that the Board and parties must follow in the course of designating a chairperson.

**Proposed section 95000** defines the term "parties" under proposed Chapter 10 for the In-Home Supportive Service Employer-Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95010** defines the term “window period” under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95020** allows the withdrawal of a petition under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95030** provides for the conduct of an informal settlement conference under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95040** provides for a notice of hearing under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95045** concerns the conduct of a hearing and issuance of a proposed decision under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95050** provides for the issuance of an administrative decision under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95070** concerns decisions of the Board itself under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95080** provides for the issuance of a notice of decision under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95090** concerns the eligibility to appear on an election ballot under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95100** concerns the conduct of elections under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95150** provides for the filing of a petition for certification under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95160** concerns the posting of the notice of the petition for certification under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95170** concerns the manner in which the Board will determine proof of support for petitions for certification filed under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95180** concerns the employer’s response to a petition for certification filed under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95190** concerns amendments to a petition for certification filed under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95200** concerns the Board’s investigation of a petition for certification filed under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95300** provides for the filing of a petition to rescind an agency shop agreement or provision under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95310** concerns the proof of support determination for a rescission petition under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95320** concerns the conduct of an election on a rescission petition under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**Proposed section 95330** describes when a bar to the filing of a rescission petition would exist under proposed Chapter 10 for the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq.).

**B. Amendments to the Text of Existing Regulations**

**Section 32085** provides a definition of the term “workday” for matters over which the Board has jurisdiction. Subdivision (h) amends this section to provide a definition for the term “workday” for matters arising under the In-Home Supportive Service Employer–Employee Relations Act (Government Code section 110000 et seq. [hereafter, IHSSEERA]).

**Section 32100** provides for when regulations contained in Chapter 1 apply to PERB proceedings. Subdivision (g) amends this section to provide that all of Chapter 1 will apply to matters arising under

IHSSEERA, except Article 5 of Subchapter 6, which governs petitions for unit modification.

**Section 32120** provides for the filing of collective bargaining agreements. The proposed new language to Section 32120 extends its application to matters arising under IHSSEERA.

**Section 32122** currently specifies in which “regional office” representation filings should be made, except for filings under the Ralph C. Dills Act (Government Code section 3512 et seq.) and the Higher Education Employer–Employee Relations Act (Government Code section 3560 et seq.). The amendment to subdivision (a) and addition of new subdivision (c) provides for application of this section to matters arising under IHSSEERA.

**Section 32130** addresses the computation of time for filing. Subdivision (a) includes an exception to the general rule for computation of time. The exception is based on Section 32776, which addresses when PERB must summarily dismiss a decertification petition under the Educational Employment Relations Act (Government Code section 3540 et seq.), the Ralph C. Dills Act (Government Code section 3512 et seq.), the Higher Education Employer–Employee Relations Act (Government Code section 3560 et seq.), and the Transit Employer–Employee Relations Act (Public Utilities Code section 99560 et seq.). The proposed change to subdivision (a) includes a reference to new subdivision (g) in Section 32776. This new subdivision addresses when PERB must summarily dismiss a decertification petition filed under IHSSEERA.

**Section 32142** concerns designation of recipients for service and filing. Subdivision (c)(8) amends this section to designate a recipient for service at the Statewide Authority.

**Section 32147** provides for expediting matters before the Board. Subdivision (a) enumerates specific representation matters that may be expedited. The amendment to subdivision (a) adds a reference to new Section 95150, which governs the filing of a petition for certification under IHSSEERA.

**Section 32155** concerns the circumstances under which a Board agent or Board member will be disqualified to hear a case. Subdivision (h) states that parties to cases arising under the Meyers–Miliias–Brown Act (Government Code section 3500 et seq.), the Ralph C. Dills Act (Government Code section 3512 et seq.), the Educational Employment Relations Act (Government Code section 3540 et seq.), the Higher Education Employer–Employee Relations Act (Government Code section 3560 et seq.), the Trial Court Employment Protection and Governance Act (Government Code section 71600 et seq.), the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), and the Transit Employer–

Employee Relations Act (Public Utilities Code section 99560 et seq.) may include a matter of claimed disqualification in a writ of extraordinary relief seeking judicial review of the Board’s decision on the merits. The amendment to subdivision (h) adds a reference to the section of IHSSEERA that governs a party’s right to file a petition for a writ of extraordinary relief seeking judicial review.

**Section 32305** provides that proposed decisions become final if no timely exceptions are filed. Subdivision (b) states that in representation matters arising under the Educational Employment Relations Act (Government Code section 3540 et seq.), the Ralph C. Dills Act (Government Code section 3512 et seq.), the Higher Education Employer–Employee Relations Act (Government Code section 3560 et seq.), the Meyers–Miliias–Brown Act (Government Code section 3500 et seq.), the Transit Employer–Employee Relations Act (Public Utilities Code section 99560 et seq.), the Trial Court Employment Protection and Governance Act (Government Code section 71600 et seq.), and the Trial Court Interpreter Employment and Labor Relations Act (Government Code section 71800 et seq.), a Board agent’s decision becomes final unless the Board itself issues a decision not later than 180 days from the date exceptions were filed with the Board. The amendment to subdivision (b) includes a reference to new section 95150, which concerns petitions for certification under IHSSEERA.

**Section 32500** provides for requests for judicial review concerning representation cases. The amendment to subdivision (a) includes a reference to new Chapter 10, which governs representation matters under IHSSEERA.

**Section 32602** provides for the processing of unfair practice charges. Subdivision (a) sets forth the alleged violations that PERB will process as unfair practice charges. IHSSEERA provides PERB with the authority to investigate an alleged violation of IHSSEERA itself or a rule or regulation adopted by the Statewide Authority as an unfair practice charge. The amendments to subdivision (a) reference the authority provided to PERB and are necessary to clarify PERB’s jurisdiction over unfair practice charges arising under IHSSEERA.

**Section 32615** concerns the information required to be included in an unfair practice charge. Subdivision (a)(4) requires a charging party to list the sections of the Government Code or applicable local rule that are alleged to have been violated. The amendment to subdivision (a)(4) strikes language that is deemed to be duplicative because the MMBA, Trial Court Act, and Court Interpreter Act are all codified within the Government Code. The amendment to subdivision (a)(4) adds a requirement that a charging party alleging a violation of a rule or regulation adopted by the Statewide Authority

under IHSSEERA include a reference to that rule or regulation.

**Section 32620** concerns the processing of unfair practice charges. Subdivision (b)(6) codifies the Board's policy regarding deferral to arbitration. The amendment to subdivision (b)(6) adds a reference to IHSSEERA.

**Section 32661** concerns the filing of repugnancy claims regarding unfair practice charge cases deferred to arbitration. Subdivision (a) provides that an unfair practice charge may be filed based on a claim that a settlement or arbitration award resulting from a deferred unfair practice charge is repugnant to the applicable Act. The amendment to subdivision (a) adds a reference to IHSSEERA.

**Section 32700** concerns the requirements for valid proof of employee support in representation proceedings. Subdivision (a)(3) concerns proof of employee support for petitions seeking to rescind organizational security arrangements. The amendment to subdivision (a)(3) adds a reference to new Section 95300, which governs such petitions under IHSSEERA.

**Section 32720** provides for when an election will be conducted in representation matters arising under the Educational Employment Relations Act (Government Code section 3540 et seq.), the Ralph C. Dills Act (Government Code section 3512 et seq.), the Higher Education Employer–Employee Relations Act (Government Code section 3560 et seq.), and the Transit Employer–Employee Relations Act (Public Utilities Code section 99560 et seq.). The amendment to this section adds a reference to IHSSEERA.

**Section 32721** defines the term “parties” in representation matters arising under the Educational Employment Relations Act (Government Code section 3540 et seq.), the Ralph C. Dills Act (Government Code section 3512 et seq.), the Higher Education Employer–Employee Relations Act (Government Code section 3560 et seq.), and the Transit Employer–Employee Relations Act (Public Utilities Code section 99560 et seq.). The amendment to this section extends the definition of “parties” to include employees, employee organizations, and employers in representation matters arising under IHSSEERA.

**Section 32724** provides for notification to employees in a voting unit when an election is to be conducted. Subdivision (b) sets forth the requirements for posting the notice of election. The addition of new subdivision (b)(2) adds posting language specific to elections conducted under IHSSEERA.

**Section 32754** provides for when the Board must summarily dismiss a petition requiring a representation election. Under the Educational Employment Relations Act (Government Code section 3540 et seq.), the Ralph C. Dills Act (Government Code section 3512 et seq.),

the Higher Education Employer–Employee Relations Act (Government Code section 3560 et seq.), and the Transit Employer–Employee Relations Act (Public Utilities Code section 99560 et seq.) a petition requiring a representation election must be dismissed if either of the following conditions exist: (1) the petition is filed outside of a designated “window period” for a current collective bargaining agreement between the employer and exclusive representative; or (2) a representation election result has been certified affecting the described unit or a portion thereof within 12 months immediately preceding the date of filing of the petition. The former is colloquially referred to as “the contract bar” and the latter as the “certification bar.” The purpose of the contract bar is to balance the need for stability during the life of a collective bargaining agreement with the employees’ right to free choice of their representative. The purpose of the certification bar is to provide an insulating period of 12 months to permit the employee organization to represent its unit and negotiate with the employer without interference with its representational rights. New subdivision (e) includes language to ensure that the contract bar and certification bar apply to representation petitions arising under IHSSEERA.

**Section 32772** provides for notification to employees in a voting unit when a decertification petition has been filed. Subdivision (b) sets forth the requirements for posting notice of the decertification petition. The addition of new subdivision (b)(2) adds posting language specific to decertification petitions filed under IHSSEERA. The amendment to subdivision (c) includes language requiring a notice of a decertification petition filed under IHSSEERA to be posted for a minimum of 20 days.

**Section 32776** provides the Board’s procedure for investigating petitions for decertification. The Board must summarily dismiss a petition requiring a representation election under the Educational Employment Relations Act (Government Code section 3540 et seq.), the Ralph C. Dills Act (Government Code section 3512 et seq.), the Higher Education Employer–Employee Relations Act (Government Code section 3560 et seq.), and the Transit Employer–Employee Relations Act (Public Utilities Code section 99560 et seq.) if either of the following conditions exist: (1) the petition is filed outside of a designated “window period” for a current collective bargaining agreement between the employer and exclusive representative; or (2) a representation election result has been certified affecting the described unit or a portion thereof within 12 months immediately preceding the date of filing of the petition. The former is colloquially referred to as “the contract bar” and the latter as the “certification bar.” The purpose of the contract bar is to balance the need for stability during the life of a collective bargaining agreement with the employees’

right to free choice of their representative. The purpose of the certification bar is to provide an insulating period of 12 months to permit the employee organization to represent its unit and negotiate with the employer without interference with its representational rights. New subdivision (g) includes language to ensure that the contract bar and certification bar apply to petitions for decertification filed under IHSSEERA. New subdivision (h) (formerly subdivision (g)), defines “window period.” The amendment to this subdivision adds a reference to the “window period” for matters filed under IHSSEERA.

C. Amendments Only to the Authority and Reference Citations of Existing Regulations

**Section 31001** provides for meetings of the Public Employment Relations Board. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32020** provides a definition for the term “Board.” The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32030** provides a definition for the term “Board itself.” The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32040** provides a definition for the term “Executive Director.” The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32050** provides a definition for the term “General Counsel,” The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32055** provides a definition for the term “Chief Administrative Law Judge.” The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legisla-

ture’s extension of the Board’s responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32060** provides a definition for the term “headquarters office.” The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32075** provides a definition for the term “regional office.” The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32080** provides a definition for the term “day.” The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32090** provides for filing by facsimile machine. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32091** provides for filing by electronic mail message. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32105** provides for the severability of PERB’s regulations. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32132** concerns the requirements for an extension of time in which to file documents with the Board. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32135** concerns filing requirements. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32136** concerns late filing requirements. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32140** concerns service requirements. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32145** concerns the waiver of time period requirements for filing. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32149** concerns the issuance of investigative subpoenas. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32150** concerns the issuance of subpoenas. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32162** concerns the confidentiality of Board investigations. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32164** concerns an application for joinder. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities

to include jurisdiction over matters arising under IHSSEERA.

**Section 32165** concerns an application to join a representation hearing as a limited party. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32166** concerns an application to join a representation hearing as a full party. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32168** concerns the conduct of hearings. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32169** concerns the taking of depositions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32170** concerns the powers and authority of a Board agent conducting a hearing. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32175** concerns the rules of evidence in representation cases. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32176** concerns the rules of evidence in unfair practice cases. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32178** concerns the burden of proof in unfair practice cases. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32180** addresses the rights of the parties in PERB hearings. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32185** concerns ex parte communications with Board agents. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32190** concerns filing and rulings on motions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32200** concerns the appeal of rulings on motions and other interlocutory matters. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32205** concerns requests for continuances. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32206** concerns the production of statements of witnesses after testimony. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32207** concerns stipulation of facts for purposes of hearing. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the

Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32209** addresses the procedure for correction of hearing transcripts. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32210** concerns the filing of informational briefs and oral argument. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32212** concerns briefs and oral argument. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32215** concerns issuance of proposed decisions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32220** concerns contemptuous conduct by a party or a party's agent. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32230** concerns the refusal of a witness to testify. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32295** concerns ex parte communications with members of the Board itself or legal advisers to Board members. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32300** concerns the filing of exceptions to Board agent decisions. The proposed changes do not make any changes to the text of this section, but only up-

date the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32310** provides for the filing of responses to exceptions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32315** provides for oral argument on exceptions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32320** concerns issuance of decisions by the Board itself. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32325** concerns the remedial powers of the Board. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32350** provides for a definition of administrative decisions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32360** concerns requirements for appeals of administrative decisions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32370** concerns requests for a stay. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32375** provides for responses to administrative appeals. The proposed changes do not make any

changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32380** provides for administrative decisions that are not appealable. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32400** provides that a motion for reconsideration is not required in order to exhaust administrative remedies. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32410** provides for the filing of requests for reconsideration. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32450** concerns the filing of requests for injunctive relief. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32455** concerns the investigation of requests for injunctive relief. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32460** provides for recommendations by the General Counsel concerning requests for injunctive relief. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32465** provides for decisions by the Board itself concerning requests for injunctive relief. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to in-

clude jurisdiction over matters arising under IHSSEERA.

**Section 32470** addresses the authority of the General Counsel concerning requests for injunctive relief where a quorum of the Board itself is unavailable. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32605** concerns the number of copies of unfair practice charges required for filing. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32612** specifies in which "regional office" unfair practice charge filings should be made. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32621** concerns the amending of unfair practice charges. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32625** concerns the withdrawal of unfair practice charges. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32630** concerns the dismissal of unfair practice charges. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32635** provides for the appeal of dismissals of unfair practice charges. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32640** concerns the issuance of complaints in unfair practice charge cases. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32644** provides for the filing of an answer in unfair practice charges where a complaint issues. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32645** concerns non-prejudicial errors in unfair practice charges and related documents. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32647** concerns amendments to complaints in unfair practice charge cases before hearing. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32648** concerns amendments to complaints in unfair practice charge cases during a hearing. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32649** concerns the filing of answers to amendments to complaints in unfair practice charge cases. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32650** concerns the conduct of informal settlement conferences in unfair practice charge cases. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32680** concerns the conduct of hearings on unfair practice charges. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32690** concerns notice of hearing in unfair practice charge cases. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32722** concerns the creation of ballots in representation matters. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32726** concerns the employer's obligation to file a voter list with PERB. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32728** concerns the requirements for an employee to be eligible to vote in an election. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32730** concerns the parties' right to station observers at an election. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32732** concerns the power to challenge the eligibility of a voter. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32734** concerns the parties' right to station an authorized agent at the ballot count. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legisla-

ture's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32735** concerns the resolution of challenged ballots. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32736** provides for a runoff election in the event a valid election does not result in any of the choices receiving a majority of the valid votes cast. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32738** concerns the parties' ability to object to the conduct of an election. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32739** concerns a Board agent's powers and duties concerning objections to the conduct of an election. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32740** provides for a party's ability to withdraw any objections to the conduct of an election. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32742** provides for the hearing procedures to be used to resolve any objections or challenges. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32744** provides the procedure in which a party may file exceptions to a Board agent's proposed decision on objections to the conduct of an election or challenged ballots. The proposed changes do not make any changes to the text of this section, but only update

the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32746** concerns the revised tally of ballots following a ruling on challenged ballots. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32748** permits any party to file objections to a revised tally of ballots. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32750** concerns the certification of results of an election or certification of the exclusive representative. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32752** concerns when the Board may stay an election pending the resolution of an unfair practice charge relating to the voting unit. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32761** provides for the filing of petitions by employee organizations requesting amendment of certification. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32762** concerns an employer's response to a petition for amendment of certification. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32763** concerns the Board's investigation following receipt of a petition for amendment of certification. The proposed changes do not make any changes to the text of this section, but only update the authority

and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32770** provides for the filing of decertification petitions. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32774** provides the process by which the Board will determine proof of support. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32980** provides for the enforcement of compliance with final decisions of the Board. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32990** defines the term "agency fee" for purposes of these regulations and identifies the statutory provisions establishing agency fee under PERB's jurisdiction. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32992** describes the requirements for notification to nonmembers regarding "agency fee." The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32993** describes the exclusive representative's obligation to administer an objection procedure regarding an agency fee. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32994** describes the process by which an agency fee payer may challenge the exclusive representative's determination of the chargeable expenditures

contained in the agency fee amount. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32995** describes the requirements concerning the escrow of agency fee amounts that are in dispute. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32996** provides for the filing of Agency Fee Appeals Procedures by exclusive representatives that receive agency fees. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

**Section 32997** provides that violation of Sections 32990 through 32996 is an unfair practice. The proposed changes do not make any changes to the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under IHSSEERA.

#### CONSISTENT AND COMPATIBLE WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, PERB has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

#### ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

IHSSEERA's implementation affects hundreds of thousands of IHSS providers in California, the Statewide Authority, and the employee organizations that represent IHSS providers under IHSSEERA. PERB has already received numerous inquiries from the Statewide Authority, IHSS providers, and employee organizations that are potentially affected by the new legislation. Current PERB regulations implement the Board's jurisdiction over this statutory scheme only through temporary emergency regulations that will ex-

pire on June 5, 2014 without further action by PERB. The emergency regulations extend the scope of existing regulations to matters arising under IHSSEERA and add new procedures for the filing of representation petitions and unfair practice charges for these matters. The proposed regulations will ensure that the procedural and substantive rights of IHSS providers, employee organizations, and the Statewide Authority created under IHSSEERA remain protected by making the existing emergency regulations permanent. In so doing, California residents' welfare will receive the benefit of stable collective bargaining and dispute resolution, which translates to continuous delivery of the essential services that IHSS providers provide to California communities.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: Initial determination of the agency is that the proposed action would not impose any new mandate.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17500 et seq.: Initial determination of the agency is that the proposed action would not impose any new costs that must be reimbursed.

Other non-discretionary cost or savings imposed upon local agencies: Initial determination of the agency is that the proposed action would not result in any other non-discretionary cost or savings imposed upon local agencies.

Costs or savings to state agencies: Initial determination of the agency is that the proposed action would not result in any cost or savings to state agencies.

Cost or savings in federal funding to the state: None.

Cost impact on representative private persons or businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: Initial determination of the agency is that the proposed action will have no impact.

Significant effect on housing costs: The agency's initial determination is that there is no effect on housing costs.

The proposed regulations will not affect small business because they only affect public employers and public employees.

#### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will not create or eliminate jobs in the State of California nor will they result in the elimination of existing businesses or create or expand businesses in the State of California.

The proposed regulations will ensure that the procedural and substantive rights of IHSS providers, employee organizations, and the Statewide Authority created under IHSSEERA remain protected by making the existing emergency regulations permanent. In so doing, California residents will receive the benefit of stable collective bargaining and dispute resolution, which translates to continuous delivery of the essential services that IHSS providers provide to California communities.

PERB will continue to investigate the potential for economic impact through this rulemaking process.

#### CONSIDERATION OF ALTERNATIVES

A rulemaking agency must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

#### PRELIMINARY ACTIVITIES

PERB staff invited comments on possible regulation changes at PERB Advisory Committee meetings held on October 24, 2013 and November 14, 2013, and circulated discussion drafts of possible regulation changes both prior to and following that meeting.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Sacramento Regional Office, located at 1031 18th Street, Sacramento, CA 95811. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the Initial Statement of Reasons. Copies of the proposed text, the initial statement of reasons, the modified text, if any, other information upon which the rulemaking is based, and the Final Statement of Reasons, when available, may be obtained by contacting Jonathan Levy or Kent Morizawa at the address or phone number listed below.

#### ADOPTION OF PROPOSED REGULATIONS, AVAILABILITY OF CHANGED OR MODIFIED TEXT AND FINAL STATEMENT OF REASONS

Following the hearing, the Board may adopt the proposed regulations substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the modified text—with changes clearly indicated—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations and/or the final statement of reasons should be sent to the attention of Jonathan Levy or Kent Morizawa at the address indicated below. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### INTERNET ACCESS

The Board will maintain copies of this Notice, the Initial Statement of Reasons and the text of the proposed regulations on its web site, found at [www.perb.ca.gov](http://www.perb.ca.gov), throughout the rulemaking process. Written comments received during the written comment period will also be posted on the web site. The Final Statement of Reasons or, if applicable, notice of a decision not to proceed will be posted on the web site following the Board's action.

#### CONTACT PERSONS

Any questions or suggestions regarding the proposed action or the substance of the proposed regulations should be directed to:

Jonathan Levy, Regional Attorney  
Public Employment Relations Board  
1031 18th Street  
Sacramento, CA 95811  
(916) 327-8387

or

Kent Morizawa, Regional Attorney  
Public Employment Relations Board  
700 N. Central Avenue, Suite 200  
Glendale, CA 92103  
(818) 551-2807

Ginger Wolfe, Associate Governmental Program  
Analyst  
600 Bercut Drive  
Sacramento, CA 95811  
(916) 445-5073  
[ginger.wolfe@bscc.ca.gov](mailto:ginger.wolfe@bscc.ca.gov)

**TITLE 15. BOARD OF STATE AND  
COMMUNITY CORRECTIONS**

**NOTICE OF PROPOSED ACTION**

**REGARDING CONSTRUCTION  
FINANCING PROGRAMS  
CALIFORNIA CODE OF REGULATIONS  
TITLE 15. DIVISION 1, CHAPTER 1,  
SUBCHAPTER 6**

Pursuant to the authority granted by Government Code 15820.906, 15820.916, and 15820.925, the Board of State and Community Corrections (BSCC) hereby gives notice of the proposed regulatory action(s) described in this public notice. It is the intent of the BSCC to amend and adopt the regulations contained in Title 15, Division 1, Chapter 1, Subchapter 6, California Code of Regulations (known as the Local Jail Construction Financing Program), after considering all comments, objections, and recommendations regarding these regulations.

**PUBLIC HEARING**

BSCC has not scheduled a public hearing on this proposed action. However, the BSCC will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the BSCC. The written comment period closes at **5:00 p.m. on April 14, 2014**. The BSCC will consider only comments received at BSCC offices by that time. Submit comments to:

**POST-HEARING MODIFICATIONS TO THE  
TEXT OF THE REGULATIONS**

Following the public comment period, the BSCC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the BSCC adopts, amends, or repeals the regulation(s). The BSCC will accept written comments on the modified regulation text during the 15-day period. Comments should be addressed to the above-noted staff member.

**NOTE: To be notified of any modifications, you must submit written/oral comments at the public hearing, if a hearing is held; submit comments to the office during the written public comment period; or specifically request to be notified of any modifications.**

**AUTHORITY AND REFERENCE**

Pursuant to the authority granted by Government Code Sections 15820.906, 15820.916, and 15820.925, the BSCC proposes regulatory action to amend and adopt the regulations contained in Title 15, Division 1, Chapter 1, Subchapter 6, California Code of Regulations (known as the Local Jail Construction Financing Program), after considering all comments, objections, and recommendations regarding these regulations.

The Board of State and Community Corrections (BSCC) proposes to adopt Sections 1712.2, 1714.2, 1730.2, 1740.2, and amend the Title 15, Division 1, Chapter 1, Subchapter 6 authorizing agency name, Subchapter 6 title, Sections 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730, 1730.1, 1731, 1747, 1747.1, 1747.5, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, and 1792 of Title 15 of the California Code of Regulations (CCR).

The following sections will be implemented, interpreted and/or made specific by this proposed rulemaking:

Authority: Sections 15820.906, 15820.916, and 15820.925, Government Code; and Section 6030, Penal Code. Reference: Sections 15820.90, 15820.901,

15820.902, 15820.903, 15820.905, 15820.906,  
 15820.907, 15820.91, 15820.911, 15820.912,  
 15820.913, 15820.915, 15820.916, 15820.917,  
 15820.92, 15820.921, 15820.922, 15820.923,  
 15820.924, 15820.925, and 15820.926, Government  
 Code.

**INFORMATIVE DIGEST/POLICY STATEMENT  
 OVERVIEW**

**Summary of Existing Laws**

Title 15 regulations discuss and define the requirements, responsibilities, and processes set forth in previous Sections 15820.90–15820.907 and 15820.91–15820.917 for Phase I and II of the Local Jail Construction Financing Program. While current regulations speak to adult jail construction, they do not address criminal justice facilities nor do they speak of design–build type projects.

Section 6030 of the Penal Code requires that the BSCC establish minimum standards for local correctional facilities. These minimum standards include the review and approval of proposed jail and criminal justice facility construction documents and materials for compliance with existing safety and security regulations.

**Summary of Existing Regulations**

Existing standards that prescribe requirements for the local jail construction financing program are promulgated by the BSCC. These regulations are contained in Title 15, Local Jail Construction Financing Program, Division 1, Chapters 1, Subchapter 6 of the CCR.

**Compatibility with Current Regulations**

The Board has evaluated the proposed regulation changes and determined that the adoption of these changes to the existing regulation is not inconsistent or incompatible with existing state regulations.

**Summary of Effect**

The proposed action would update Title 15, Division 1, Chapter 1, Subchapter 6 CCR adopting and amending language to implement a statute requiring the BSCC to award up to \$500 million in construction financing to acquire, design, and construct adult local criminal justice facilities. The proposed action adds a statutory requirement found in Government Code Sections 15820.92–15820.926 as it pertains to the financing of adult local criminal justice facilities. Counties across the state are facing overcrowding in existing and outdated custodial facilities. Lack of program space, mental health and treatment space, and reentry facilities give counties little option for non–custodial sentencing. The proposed action will allow for the award of \$500

million in adult criminal justice facilities construction financing to relieve counties of the current and impending flux of inmates.

**Comparable Federal Statute or Regulations**

There are no comparable federal regulations or statutes.

**Policy Statement Overview**

The broad objective of the proposed action is to update regulations for the Adult Local Criminal Justice Facilities Construction Financing Program in conformance with statutory changes.

**DISCLOSURE REGARDING THE  
 PROPOSED ACTION**

The BSCC has made the following initial determinations:

**Mandate on local agencies and school districts:** As required by Government Code Section 11346.9(a)(2), the BSCC has determined that there will be no mandates imposed on local agencies or school districts through the adoption of these Title 15 regulations as proposed. Local agencies participate in the Adult Local Criminal Justice Facilities Construction Financing Program by request for proposal. Participation in these programs is on a voluntary basis only. No local agency or school district is required to participate.

**Cost or savings to any state agency:** There were no additional positions or staff time received for this program, costs will be absorbed by current budget. There will be a cost of debt service paid on lease revenue bonds; however, the BSCC does not anticipate any payments during the current or subsequent two fiscal years.

**Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630:** None.

**Other nondiscretionary costs or savings imposed on local agencies:** None.

**Costs or savings in federal funding to the state:** None.

**Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states:** None.

**Cost impacts on a representative private person or businesses:** The BSCC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**RESULTS OF THE ECONOMIC  
 IMPACT ANALYSIS**

Adoption of these regulations will not:

- (1) Eliminate jobs within California.

- (2) Create new businesses or eliminate existing businesses within California.
- (3) Affect the expansion of businesses currently doing business within California.

Adoption of these regulations will:

- (1) Affect the welfare of California residents and worker safety. The welfare of California residents and worker safety will be affected positively by construction and/or renovation of new and existing adult jail and criminal justice facilities. A greater focus has been placed on programming space and making community and inmate programs available in-facility and as an alternative to incarceration. In some instances participants of programs will receive support and learn necessary social and employment skills to better assimilate back into the community. The state's environment will not be affected by the adoption of these regulations.

New and renovated facilities will offer more space, technology, and other much needed tools to create a safe environment for workers, inmates, visitors, and the community.

Significant effect on housing costs: None.

Small Business Determination:

The BSCC has determined that the proposed regulations will have no effect on small businesses. These proposed regulations affect the operations and programs for adult local criminal justice facilities.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the BSCC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

#### AVAILABILITY OF RULEMAKING DOCUMENTS

The Rulemaking File, which includes all the information on which this proposal is based, is available for viewing at the BSCC's office at the above address and may also be accessed through the BSCC's website at <http://www.bscc.ca.gov/programs-and-services/fso/services>.

#### AVAILABILITY OF MODIFIED TEXT

If the BSCC makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the BSCC adopts the regulations as revised. The modified text may be accessed through the BSCC website at: <http://www.bscc.ca.gov/programs-and-services/fso/services>. Those persons who do not have access to the Internet may submit a written request to Ginger Wolfe at the above address.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be accessed through the BSCC website at: <http://www.bscc.ca.gov/programs-and-services/fso/services>. Those persons who do not have access to the Internet may submit a written request to Ginger Wolfe at the above address.

#### AVAILABILITY OF DOCUMENTS; INTERNET ACCESS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in strikeout and underline can be accessed through our website at: <http://www.bscc.ca.gov/programs-and-services/fso/services>. Those persons who do not have access to the Internet may submit a written request to Ginger Wolfe at the above address.

#### DOCUMENTS INCORPORATED BY REFERENCE

Adult Local Criminal Justice Facilities Construction Financing Program Proposal Form, July 23, 2013  
Construction of Adult Local Criminal Justice Facilities Final Rating Form, December 4, 2013

#### CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS

Inquiries concerning the proposed action may be directed to:

Ginger Wolfe, Associate Governmental Program Analyst  
600 Bercut Drive  
Sacramento, CA 95814  
Phone: (916) 341-7325  
[ginger.wolfe@bscc.ca.gov](mailto:ginger.wolfe@bscc.ca.gov)  
Fax: (916) 327-3317

The backup contact person for these inquiries is:

Robert Oates, Project Director III  
 600 Bercut Drive  
 Sacramento, CA 95814  
 Phone: (916) 445-5806  
[robert.oates@bscc.ca.gov](mailto:robert.oates@bscc.ca.gov)  
 Fax: (916) 327-3317

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND  
 WILDLIFE**

**CESA CONSISTENCY DETERMINATION  
 REQUEST FOR  
 Humboldt Redwood Company — HCP  
 (2080-2014-001-01)  
 Humboldt County**

The California Department of Fish and Wildlife (CDFW) received a notice on February 11, 2014, that Humboldt Redwood Company (HRC) proposes to rely on a consultation with the U.S. Fish and Wildlife Service (Service) to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed action involves timber operations and related management activities including, but not limited to: timber management; road and landing construction, reconstruction and upgrading, storm-proofing, inspections, maintenance, closure, decommissioning and use; water drafting; burning; development and operation of borrow pits; commercial rock quarry operations; and scientific surveys and studies. The proposed project will occur on all commercial timberland acreage where HRC owns lands or harvesting rights in Humboldt County.

The Service issued an intra-service federal biological and conference opinion (Service File No. 1-14-99-18)(BO) and incidental take statement (ITS) on February 24, 1999, for the Project pursuant to section 10(a)(1)(B) of the federal Endangered Species Act. The BO considered the effects of the project on the state candidate and federally threatened northern spotted owl (*Strix occidentaliscaurina*) and was based on the following documents: (1) the 1999 Pacific Lumber Company (PALCO) Sustained Yield Plan and Habitat Conservation Plan (HCP), (2) the 1999 Final Environmental Impact Statement/Environmental Impact Report for the Headwaters Forest Acquisition; and (3) the final Implementation Agreement (IA). The Service, CDFW, and PALCO signed the IA on February 26, 1999. On March 1, 1999, the Service issued incidental take per-

mit (ITP) (ITP No. TE828950-0). The ITP requires full implementation of, and compliance with, all conservation measures listed in the HCP for avoidance, minimization, and mitigation for impacts, as well as compliance with the terms and conditions in the associated IA. On February 3, 2014, HRC submitted a request to the Service to modify sections 6.2.2 and 6.2.3 of the HCP. On February 5, 2014, the Service determined it was a minor modification and would not impair the ability of the HCP to achieve the management objectives in section 6.2.1 (Service File No. AFWO-14B0117-14TA-0026).

Pursuant to California Fish and Game Code section 2080.1, HRC is requesting a determination that the BO and ITS, which requires implementation of and compliance with the BO and its related ITS, IA and HCP, are consistent with CESA for purposes of the Project. If CDFW determines the BO and ITS are consistent with CESA for the proposed project, HRC will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the project.

**DEPARTMENT OF TOXIC SUBSTANCES  
 CONTROL**

**NOTICE OF PUBLIC COMMENT PERIOD  
 FOR PROPOSED CONSENT DECREE  
 Griswold Industries, Inc. (dba CLA-VAL Facility)  
 Costa Mesa, California**

**PUBLIC COMMENT PERIOD: February 28,  
 2014 to April 1, 2014**

**WHAT IS BEING PROPOSED** — The Department of Toxic Substances Control (DTSC) invites the public to review and comment on a proposed Consent Decree with Griswold Industries, doing business as CLA-VAL, regarding the CLA-VAL Facility, located at 1701 Placentia Avenue, in Costa Mesa. DTSC lodged the proposed Consent Decree in *Department of Toxic Substances Control v. Griswold Industries*, Case No. 8:12-cv-01368-AG-AN, with the United States District Court, Central District of California. Under the proposed Consent Decree, CLA-VAL will pay DTSC approximately \$65,000 to reimburse DTSC for its environmental oversight, and enforcement costs, subject to certain conditions and reservations. After the 30-day public comment period, DTSC intends to file a motion for judicial approval of the proposed Consent Decree. DTSC conducted an environmental investigation resulting in enforcement costs. If approved, the Consent Decree resolves claims against Griswold Industries under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), in connection with the CLA-VAL Facility.

**HOW CAN I GET INVOLVED?** — DTSC will consider public comments on the Consent Decree that are postmarked or received by April 1, 2014. DTSC may withhold finalization of the Consent Decree if such comments disclose facts or considerations that indicate the proposed Consent Decree is inappropriate, improper or inadequate. **Public comments should be addressed to: Maryam Tasnif–Abbasi, Project Manager, Department of Toxic Substances Control, 5796 Corporate Avenue, Cypress, CA 90630–4732, E-mail: Maryam.Tasnif–Abbasi@dtsc.ca.gov. (Please include the phrase “CLA–VAL CD Comments” in the subject line of your e-mail).**

**WHERE DO I GET INFORMATION?** Copies of the 35 page proposed Consent Decree is available from the DTSC Cypress office by written request to Maryam Tasnif–Abbasi, DTSC Project Manager, 5796 Corporate Avenue, Cypress, CA 90630–4732, by fax (714) 484–5437, or via e-mail to: Maryam.Tasnif–Abbasi@dtsc.ca.gov. The proposed Consent Decree and other project documents related to the facility are available at:

**DTSC Regional Records Office**  
 File Room (By appointment only,  
 Monday – Friday 8 a.m. to 5 p.m.)  
 5796 Corporate Avenue  
 Cypress, CA 90630–4732  
 Phone: Julie Johnson (714) 484–5300

Copies of these documents, key technical reports, fact sheets and other site–related information are also available online at DTSC’s website:  
[www.EnviroStor.dtsc.ca.gov](http://www.EnviroStor.dtsc.ca.gov).

**FOR ADDITIONAL INFORMATION:** If you have any questions or wish to discuss the Consent Decree please contact:

For The Project:  
 Maryam Tasnif–Abbasi  
 DTSC Project Manager  
 5796 Corporate Avenue  
 Cypress, CA 90630–4732  
 (714) 484–5489  
 E-mail: [Maryam.Tasnif–Abbasi@dtsc.ca.gov](mailto:Maryam.Tasnif–Abbasi@dtsc.ca.gov)

For Public Participation:  
 Stacey Lear  
 DTSC Public Participation Specialist  
 5796 Corporate Avenue  
 Cypress, CA 90630–4732  
 (714) 484–5354  
 E-mail: [Stacey.Lear@dtsc.ca.gov](mailto:Stacey.Lear@dtsc.ca.gov).

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL HEALTH  
 HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
 ENFORCEMENT ACT OF 1986  
 (PROPOSITION 65)**

**NOTICE OF INTENT TO LIST CHEMICALS  
 BY THE LABOR CODE MECHANISM**

**FEBRUARY 28, 2014**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list the chemicals identified in the table below as known to the state to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986. The Act, commonly known as Proposition 65, is codified in Health and Safety Code section 25249.5 *et seq.* This action is being taken pursuant to the Labor Code mechanism contained in Health and Safety Code section 25249.8(a). OEHHA has determined that pentosan polysulfate sodium, pioglitazone, and triamterene meet the criteria for listing by this mechanism.

Chemical	CAS No.	Endpoint	Reference
Pentosan polysulfate sodium	—	Cancer	IARC (2013) Grosse <i>et al.</i> (2013)
Pioglitazone	111025–46–8	Cancer	IARC (2013) Grosse <i>et al.</i> (2013)
Triamterene	396–01–0	Cancer	IARC (2013) Grosse <i>et al.</i> (2013)

**Background on listing by the Labor Code mechanism:** Health and Safety Code section 25249.8(a) incorporates California Labor Code Sections 6382(b)(1) and 6382(d) into Proposition 65. The law requires that certain substances identified by the International Agency for Research on Cancer (IARC) be listed as known to cause cancer under Proposition 65. Labor Code section 6382(b)(1) refers to substances identified as human or animal carcinogens by IARC. Labor Code section 6382(d) refers to chemicals that are within the scope of the federal Hazard Communications Standard. The Federal Hazard Communications Standard<sup>1</sup> re-

<sup>1</sup>Title 29, Code of Federal Regulations, section 1910.1200.

quires chemical manufacturers and employers to provide Safety Data Sheets (SDS) with hazardous chemicals. One of the mandatory requirements for the SDS is to disclose in Section 11 (the “toxicological information” section), “whether the hazardous chemical. . . has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest edition) . . .”. An explanation of the carcinogenicity classifications used by IARC, and the *Monographs* development and peer review by the international working groups of scientific experts convened by IARC, may be found at the following URL: <http://monographs.iarc.fr/ENG/Preamble/CurrentPreamble.pdf>.

As the lead agency for the implementation of Proposition 65, OEHHA evaluates whether chemical listings are required by Proposition 65.

**OEHHA’s determination:** *Pentosan polysulfate sodium*, *pioglitazone*, and *triamterene* each meet the requirements for listing as known to the state to cause cancer for purposes of Proposition 65 under the Labor Code listing mechanism.

IARC has published on its website a list entitled “Agents classified by the IARC Monographs, Volume 1–108” (IARC, 2013). IARC concludes that *pioglitazone* is classified in Group 2A (the agent is “probably carcinogenic to humans”) and *pentosan polysulfate sodium*, and *triamterene* are each classified in Group 2B (the agent is “possibly carcinogenic to humans”). IARC concludes that there is “sufficient evidence of carcinogenicity in experimental animals” for *pentosan polysulfate sodium*, *pioglitazone*, and *triamterene* (Grosse *et al.*, 2013).

**Opportunity for comment:** OEHHA is providing this opportunity to comment as to whether the chemicals identified above meet the requirements for listing as causing cancer specified in Health and Safety Code section 25249.8(a) and Labor Code sections 6382(b)(1) or 6382(d) or both. Because these are ministerial listings, comments should be limited to whether IARC has identified the specific chemical or substance as a known or potential human or animal carcinogen. Under this listing mechanism, OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by IARC when it identified these chemicals and will not respond to such comments if they are submitted.

**OEHHA must receive comments by 5:00 p.m. on Tuesday, April 1, 2014.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov), and should include “NOIL” and the chemical name in the subject line. Comments submitted in paper form may be

mailed, faxed, or delivered in person to the address below.

**Mailing Address:**

Ms. Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010, MS–19B  
Sacramento, California 95812–4010

**Fax:** (916) 323–2265

**Street Address:** 1001 I Street  
Sacramento, California 95814

Any public comments received will be posted after the close of the comment period. If you have any questions, please contact Ms. Oshita at [Cynthia.Oshita@oehha.ca.gov](mailto:Cynthia.Oshita@oehha.ca.gov) or at (916) 445–6900.

**References**

Grosse Y, Loomis D, Lauby–Secretan B, El Ghissassi F, Bouvard V, Benbrahim–Tallaa L, Guha N, Baan R, Mattock H, Straif K, on behalf of the International Agency for Research on Cancer Monograph Working Group. (2013). Carcinogenicity of some drugs and herbal products. *The Lancet Oncology*. Published online July 5, 2013, doi: 10.1016/S1470–2045(13)70329–2. [URL: <http://www.thelancet.com/journals/lanonc/article/PIIS1470–2045%2813%2970329–2/fulltext>.]

International Agency for Research on Cancer (IARC, 2013). Agents Classified by the IARC Monographs, Volumes 1–108. Available at URL: <http://monographs.iarc.fr/ENG/Classification/ClassificationsAlphaOrder.pdf>.

**OAL REGULATORY  
DETERMINATION**

**OFFICE OF ADMINISTRATIVE LAW**

**DETERMINATION OF ALLEGED  
UNDERGROUND REGULATIONS  
(Summary Disposition)**

**(Pursuant to Government Code Section 11340.5  
and  
Title 1, section 270, of the  
California Code of Regulations)**

**DEPARTMENT OF CORRECTIONS  
AND REHABILITATION**

Date: February 14, 2014  
 To: Rene Chavez  
 From: Chapter Two Compliance Unit  
 Subject: **2014 OAL DETERMINATION  
 NO. 5(S)  
 (CTU2013-1218-01)**  
 (Summary Disposition issued pursuant  
 to Gov. Code, sec. 11340.5;  
 Cal. Code Regs., tit. 1, sec. 270(f))  
 Petition challenging as an underground  
 regulation California Code of  
 Regulations, title 15, section 3000,  
 concerning constructive possession of  
 objects.

On December 18, 2013, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether California Code of Regulations (CCR), title 15, section 3000, concerning the definition of “possession,” constitutes an underground regulation. The challenged rule is contained in the list of definitions contained in section 3000, title 15, of the CCR, and states as follows:

Possession is defined as either actual possession or constructive possession of an object. Actual possession exists when a person has physical custody or control of an object. Constructive Possession exists where a person has knowledge of an object and control of the object or the right to control the object, even if the person has no physical contact with it.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,<sup>1</sup> which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA). Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment.

If a rule meets the definition of a regulation in Government Code section 11342.600, but was not adopted pursuant to the APA, it may be an “underground regulation” as defined in California Code of Regulations, title 1, section 250:

The following definitions shall apply to the regulations contained in this chapter:

(a) “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section

<sup>1</sup>“Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

11342.600 of the Government Code, *but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA* and is not subject to an express statutory exemption from adoption pursuant to the APA. [Emphasis added.]

On December 9, 2011, CDCR certified by Operational Necessity under Penal Code section 5058.3 that amendments to section 3000, and others, of title 15 of the CCR be adopted as an emergency. The definition of “possession” was adopted in that rulemaking, which was filed with the Secretary of State on December 9, 2011, and was effective as of that date. The definition was amended to read as it does now pursuant to a Certificate of Compliance submitted to OAL on May 3, 2012, which was approved and filed with the Secretary of State on June 6, 2012, and was effective as of that date.

We find that the rule challenged by your petition has been duly adopted as a regulation, and therefore, is not an underground regulation.<sup>2</sup>

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/  
 Debra M. Cornez  
 Director

/s/  
 Elizabeth A. Heidig  
 Senior Counsel

<sup>2</sup> The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

- (1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.
- (2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:
  - (A) The challenged rule has been superseded.
  - (B) The challenged rule is contained in a California statute.
  - (C) *The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.*
  - (D) The challenged rule has expired by its own terms.
  - (E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.
- (3) A summary disposition letter shall state the basis for concluding that the challenged rule is not an underground regulation and shall specify that the issuance of the letter does not restrict the petitioner’s right to adjudicate the alleged violation of section 11340.5 of the Government Code.
- (4) A summary disposition letter shall be sent to the petitioner not later than 60 days following receipt of the complete petition. [Emphasis added.]

Copy: Dr. Jeffrey Beard  
Tim Lockwood

You may obtain a copy by either calling or writing to:

Erin Du Bois-Lacy, Staff Services Manager  
Office of Legal Services  
Department of Managed Health Care  
980 9th Street, ste 500  
Sacramento, CA 95814  
Phone No. (916) 322-6727  
Fax No. (916) 322-3968  
Email: pra@dmhc.ca.gov

**SUSPENSION OF  
ACTION REGARDING  
UNDERGROUND REGULATIONS**

**CALIFORNIA HORSE RACING BOARD**

**SUSPENSION OF ACTION REGARDING  
UNDERGROUND REGULATIONS**

**(Pursuant to Title 1, section 280, of the  
California Code of Regulations)**

On December 23, 2013, the Office of Administrative Law (OAL) received a petition challenging a notice issued by the California Horse Racing Board's (CHRB) Equine Medical Director, titled "Veterinarian's List Policy for Horses Testing Positive for Clenbuterol in Out-of-Competition Testing," as an alleged underground regulation.

On February 13, 2014, the CHRB certified to OAL that the CHRB would not issue, use enforce, or attempt to enforce the notice titled "Veterinarian's List Policy for Horses Testing Positive for Clenbuterol in Out-of-Competition Testing;" therefore, pursuant to California Code of Regulations, title 1, section 280, OAL must suspend all action on this petition.

**AVAILABILITY OF INDEX OF  
PRECEDENTIAL DECISIONS**

**DEPARTMENT OF MANAGED  
HEALTH CARE**

NOTICE OF AVAILABILITY OF INDEX OF  
PRECEDENTIAL DECISIONS OF THE  
DEPARTMENT OF MANAGED HEALTH CARE.

PLEASE TAKE NOTICE that the Department of Managed Health Care's precedent decision index is available for purchase or you may view it at the Department of Managed Health Care's website located at [http://www.dmhc.ca.gov/aboutthedmhc/gen/gen\\_oah.aspx](http://www.dmhc.ca.gov/aboutthedmhc/gen/gen_oah.aspx).

This notice is published pursuant to California Government Code section 11425.60(c).

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2014-0107-05

COMMISSION ON TEACHER CREDENTIALING  
Intern Teaching Credentials

In this resubmitted rulemaking action, the Commission on Teacher Credentialing adopts regulations that govern the issuance of two types of intern teaching credentials: a university intern credential and a district intern credential. Section 80033 of title 5 of the California Code of Regulations prescribes the minimum requirements for the credentials. In addition, it requires the issuance of an English learner and bilingual authorization, if conditions are met; it sets limits on the intern teacher credential's term and authorization; and it requires support and supervision for the intern teacher while the intern teacher is enrolled in a Commission-approved program.

Title 5  
California Code of Regulations  
ADOPT: 80033  
Filed 02/13/2014  
Effective 04/01/2014  
Agency Contact:

Tammy A. Duggan (916) 323-5354

File# 2014-0110-03

DENTAL BOARD OF CALIFORNIA  
Dentistry Fee Increase

In this regulatory action, the Board is amending section 1021(g) of title 16 of the California Code of Regulations to increase the fees associated with the initial licensure as well as the biennial renewal licensure for dentists. These fees are increased from \$365 to \$450, which is the statutory cap for these categories of fees.

Title 16  
California Code of Regulations  
AMEND: 1021  
Filed 02/19/2014  
Effective 07/01/2014  
Agency Contact: Sarah Wallace (916) 263-2187

File# 2014-0123-04  
DEPARTMENT OF FOOD AND AGRICULTURE  
Oak Mortality Disease Control

This is the certificate of compliance to make permanent the prior emergency regulatory action (OAL file no. 2013-1104-02E) that established *Gaultheria procumbens* (wintergreen, Eastern teaberry and boxberry) as an associated article under the articles and commodities covered by Section 3700. The effect of the amendment provided authority to the State to regulate the movement of this new “associated article (nursery stock)” to prevent artificial spread of oak mortality disease to non-infested areas. These plants were added to the list of plants whose movements are regulated as hosts or potential carriers that may transfer the disease from an infested area.

Title 3  
California Code of Regulations  
AMEND: 3700(c)  
Filed 02/12/2014  
Effective 02/12/2014  
Agency Contact: Stephen S. Brown (916) 654-1017

File# 2014-0110-02  
DEPARTMENT OF HEALTH CARE SERVICES  
Dental Services

This action updates the Manual of Criteria (MOC) for Medi Cal authorization of dental services that is incorporated by reference in the Department of Health Care Services regulations. The updated MOC includes changes made to coding necessary to conform to current dental terminology (CDT) for billing and transmission of claims. The proposed revisions to Title 22, CCR section 51003 and to Chapter 8.1 of the MOC will address the matter of implementing updated national standard CDT 13 codes as mandated by Health Insurance Portability and Accountability Act (HIPPA) of 2001, while establishing what health care (dental) ser-

VICES are available under the Medi-Cal program. The CDT is approved by the American Dental Association and the standardized codes employed there are important for implementation of HIPPA. The use of the updated codes that have been established by federal rules is required by Health and Safety Code section 130301. 45 CFR 162.1000 requires the use of the medical data code sets that are specified in section 162.1002 and section 162.1002(a)(4) delegates the specification of codes for dental procedures and nomenclature to the American Dental Association. Section 162.1011 indicates that the ADA determines the period of time the codes apply and under section 162.1000 the relevant time is the time the medical service is rendered.

Title 22  
California Code of Regulations  
AMEND: 51003  
Filed 02/13/2014  
Effective 04/01/2014  
Agency Contact: Ben Carranco (916) 440-7766

File# 2014-0124-03  
DEPARTMENT OF JUSTICE  
Scope and Purpose, Definitions, and Written Confirmation of Compliance

This change without regulatory effect amends the regulatory definition of the term “units sold” in section 999.10 of Title 11 of the California Code of Regulations so as to conform it to its governing definition in Health and Safety Code section 104456(j), as amended by Senate Bill 680, Chapter 168, Statutes of 2013.

Title 11  
California Code of Regulations  
AMEND: 999.10  
Filed 02/19/2014  
Agency Contact: Melan Noble (916) 322-0908

File# 2013-1230-04  
DIVISION OF WORKERS' COMPENSATION  
Workers' Compensation — Utilization Review, Independent Medical Review

The Division of Workers' Compensation submitted a certificate of compliance for emergency regulations adopting new sections 9785.5, 9792.6.1, and 9792.10.1 through 9792.10.9 and amending sections 9785, 9792.6, 9792.10, and 9792.12 of title 8 of the California Code of Regulations concerning utilization review and providing for independent medical review in order to implement changes made to the Labor Code on January 1, 2013 by Senate Bill 863. This certificate of compliance also amends sections 9792.7, 9792.11, and 9792.15 of title 8 of the California Code of Regulations.

Title 8  
 California Code of Regulations  
 ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1,  
 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5,  
 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9  
 AMEND: 9785, 9792.6, 9792.7, 9792.9, 9792.10,  
 9792.11, 9792.12, 9792.15  
 Filed 02/12/2014  
 Effective 02/12/2014  
 Agency Contact: George Parisotto (510) 286-0639

File# 2013-1230-05  
**DIVISION OF WORKERS' COMPENSATION**  
**Workers' Compensation — Independent Bill Review**  
 This rulemaking action by the California Division of Workers' Compensation (DWC) makes permanent the emergency regulations originally adopted in OAL File No. 2012-1219-02E which includes the amendments of existing sections and adoption of new regulation sections in Title 8 of the California Code of Regulations (CCR). That emergency rulemaking amended sections 9792.5.1, 9793, 9794, and 9795, and adopted new sections 9792.5.4 through 9792.5.15 intended to implement the "Second Review" and "Independent Bill Review" procedures established by Stats. 2012, c. 363 (SB 863). These regulations incorporate by reference the current version and two prior versions of the California Division of Workers' Compensation Electronic Medical Billing and Payment Companion Guide and the California Division of Workers' Compensation Medical Billing and Payment Guide. The regulations also add forms DWC Form SBR-1 (version 1/2014) and DWC Form IBR-1 (version 1/2014).

Title 8  
 California Code of Regulations  
 ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7,  
 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11,  
 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15  
 AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795  
 Filed 02/12/2014  
 Effective 02/12/2014  
 Agency Contact: George Parisotto (510) 286-0639

File# 2014-0122-01  
**DIVISION OF WORKERS' COMPENSATION**  
**Workers' Compensation — Personal Physicians**  
 The Division of Workers' Compensation amended several title 8 regulations of the California Code of Regulations so that they conform with recent changes in the Labor Code that were made in SB 863(Stats. 2012, c. 363). The proposed amendments change certain criteria that an employee must meet to pre-designate a personal physician or medical group for work-related injuries or illnesses to conform to SB 863. The amendments also

interpret and clarify what is meant by "chiropractic visits" under Labor Code section 4604.5.

Title 8  
 California Code of Regulations  
 AMEND: 9780, 9780.1, 9783, 9783.1, 9785  
 Filed 02/12/2014  
 Effective 07/01/2014  
 Agency Contact: James M. Robbins (510) 286-0544

File# 2014-0213-02  
**FISH AND GAME COMMISSION**  
**Low-Flow Closure to Fishing Due to Drought Conditions**  
 This emergency regulatory action temporarily closes specified streams to fishing to protect vulnerable migrating anadromous fish, primarily wild steelhead trout.

Title 14  
 California Code of Regulations  
 AMEND: 7.00, 7.50, 8.00  
 Filed 02/19/2014  
 Effective 02/19/2014  
 Agency Contact: Jon Snellstrom (916) 653-4899

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN September 18, 2013 TO  
 February 19, 2014**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**  
 11/21/13 ADOPT: 2002(c)(4), 2002(c)(5), 2002(c)(8)  
 10/29/13 ADOPT: 2000, 2001, 2002, 2003, 2004  
**Title 2**  
 02/10/14 AMEND: 58000  
 01/27/14 AMEND: 56800  
 01/21/14 AMEND: 1194  
 01/13/14 AMEND: 55300  
 12/23/13 ADOPT: 18950.2 AMEND: 18942, 18944, 18950, 18950.1, 18950.4 REPEAL: 18727.5, 18950.3  
 12/23/13 AMEND: 18351  
 12/02/13 ADOPT: 18417  
 11/19/13 ADOPT: 21001.1, 21001.2, 21001.3 AMEND: 21000, 21001, 21002, 21003,

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 9-Z**

21004, 21005, 21006, 21007  
(re-numbered to 21004.5), 21008, 21009  
(re-numbered to 21005.5)

11/04/13 AMEND: 1859.2, 1859.71, 1859.71.6,  
1859.74.5, 1859.77.4, 1859.82, 1859.83

10/30/13 AMEND: 1859.76

10/25/13 ADOPT: 579.3, 579.21, 579.22, 579.25  
AMEND: 579.2

10/03/13 AMEND: 18521.5

10/03/13 ADOPT: 18421.5

10/03/13 AMEND: 18239

10/03/13 AMEND: Amend and renumber  
sections: 7285.0 (11000), 7285.1  
(11001), 7285.2 (11002), 7285.4  
(11003), 7285.7 (11004), 7286.0  
(11005), 7286.1 (11005.1), 7286.3  
(11006), 7286.4 (11007), 7286.5  
(11008), 7286.6 (11009), 7286.7(11010),  
7286.8 (11011), 7287.0 (11013), 7287.1  
(11014), 7287.2 (11015), 7287.3  
(11016), 7287.4 (11017), 7287.6  
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7289.4 (11027), 7289.5 (11028), 7290.6  
(11029), 7290.7 (11030), 7290.8  
(11031), 7290.9 (11032), 7291.0  
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(11049), 7291.17 (11050), 7291.18  
(11051), 7292.0 (11052), 7292.1  
(11053), 7292.2 (11054), 7292.3  
(11055), 7292.4 (11056), 7292.6  
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(11060), 7293.2 (11061), 7293.3(11062),  
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(11071), 7295.0 (11074), 7295.1  
(11075), 7295.2 (11076), 7295.3  
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(11089), 7297.3 (11090), 7297.4  
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7297.10 (11097), 7297.11 (11098), 8101  
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Renumber sections: 7287.5 (11018),  
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(11026), 7291.5 (11038), 7292.5  
(11057), 7294.3 (11072), 7294.4  
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09/23/13 REPEAL: 53200

09/23/13 REPEAL: 53400

09/23/13 REPEAL: 57100

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02/10/14 AMEND: 3435(b)

02/05/14 AMEND: 3435(b)

01/27/14 AMEND: 3406(b)

01/23/14 AMEND: 3591.11

01/14/14 ADOPT: 1392.13

01/09/14 AMEND: 1300, 1300.1, 1300.3,  
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1300.15 REPEAL: 1300.2, 1300.4

12/16/13 AMEND: 3591.12(a) & (b)

12/05/1 ADOPT: 1280, 1280.1, 1280.8, 1280.10  
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11/25/13 AMEND: 3435(b)

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11/07/13 AMEND: 3591.20(a)

11/07/13 AMEND: 6512, 6513

11/06/13 ADOPT: 1180.3.3, 1180.3.4, 1180.3.5,  
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11/04/13 AMEND: 3591.6(a)

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10/21/13 AMEND: 1380.19(p)  
 10/21/13 AMEND: 3701.1, 3701.2, 3701.3,  
 3701.4, 3701.5, 3701.6, 3701.7  
 10/14/13 AMEND: 3435(b)  
 10/07/13 AMEND: 3435(b)  
 09/30/13 AMEND: 3435(b)  
 09/20/13 AMEND: 3435(b)

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02/03/14 ADOPT: 10170.16, 10170.17, 10170.18,  
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 10170.22, 10170.23, 10170.24  
 01/21/14 ADOPT: 10170.1, 10170.2, 10170.3,  
 10170.4, 10170.5, 10170.6, 10170.7,  
 10170.8, 10170.9, 10170.10, 10170.11,  
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 12/26/13 ADOPT: 8034(d)  
 12/24/13 AMEND: 8070, 8072  
 12/23/13 AMEND: 5000, 5170, 5190, 5205, 5212,  
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 12/19/13 AMEND: 10325  
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 11/21/13 ADOPT: 7113, 7114, 7115, 7116, 7117,  
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 11/21/13 AMEND: 1101, 1126, 1373.2, 1374,  
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 10/28/13 AMEND: 4001  
 10/07/13 AMEND: 10030, 10031, 10032, 10033,  
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 10/07/13 ADOPT: 8035.5  
 09/27/13 ADOPT: 12014  
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 02/06/14 ADOPT: 15494, 15495, 15496, 15497  
 02/05/14 ADOPT: 80691, 80692  
 02/03/14 AMEND: 850, 851, 852, 853, 853.5, 855,  
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10/16/13 REPEAL: 3052  
 09/25/13 AMEND: 11530, 11531, 11532  
 09/25/13 AMEND: 20101, 20107, 20190  
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 9792.10.4, 9792.10.5, 9792.10.6,  
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 12/26/13 AMEND: 9789.12.2, 9789.12.3,  
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 12/16/13 ADOPT: 10206, 10206.1, 10206.2,  
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 11/08/13 ADOPT: 10133.31, 10133.32, 10133.33,  
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 10/03/13 ADOPT: 11770, 11771.1, 11771.3, 11772, 11773  
 09/30/13 ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15 AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795  
 09/30/13 ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5, 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9 AMEND: 9785, 9792.6, 9792.9, 9792.10, 9792.12  
 09/30/13 ADOPT: 10205, 10205.12, 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208  
 09/24/13 ADOPT: 9789.12.1, 9789.12.2, 9789.12.3, 9789.12.4, 9789.12.5, 9789.12.6, 9789.12.7, 9789.12.8, 9789.12.9, 9789.12.10, 9789.12.11, 9789.12.12, 9789.12.13, 9789.12.14, 9789.12.15, 9789.13.1, 9789.13.2, 9789.13.3, 9789.14, 9789.15.1, 9789.15.2, 9789.15.3, 9789.15.4, 9789.15.5, 9789.15.6, 9789.16.1, 9789.16.2, 9789.16.3, 9789.16.4, 9789.16.5, 9789.16.6, 9789.16.7, 9789.16.8, 9789.17.1, 9789.17.2, 9789.18.1, 9789.18.2, 9789.18.3, 9789.18.4, 9789.18.5, 9789.18.6, 9789.18.7, 9789.18.8, 9789.18.9, 9789.18.10, 9789.18.11, 9789.18.12, 9789.18.19  
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 01/14/14 AMEND: 7214.1, 7220.7, 7227.2

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 02/10/14 ADOPT: 6650, 6652, 6654, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670  
 01/28/14 AMEND: 2318.6, 2353.1  
 01/28/14 AMEND: 2318.6, 2353.1, 2354  
 01/24/14 ADOPT: 217, 217.5, 217.10, 217.15, 217.20, 217.25, 217.30, 217.35, 217.40, 217.45 AMEND: 202, 216, 218, 219, 221 REPEAL: 217  
 01/07/14 ADOPT: 1430 AMEND: 260.210, 260.211, 260.211.1, 260.231, 1422, 1422.7, 1423, 1581, 1582, 1805.204, 1950.122.8  
 12/30/13 AMEND: 260.237  
 12/27/13 AMEND: 2699.100, 2699.200, 2699.201, 2699.205, 2699.207, 2699.209, 2699.210, 2699.400 REPEAL: 2699.202, 2699.208, 2699.211  
 12/24/13 ADOPT: 2598.3(b), 2598.3(c)  
 12/23/13 ADOPT: 6456  
 12/19/13 AMEND: 2698.200  
 12/19/13 AMEND: 2698.602  
 12/09/13 ADOPT: 2594, 2594.1, 2594.2, 2594.3, 2594.4, 2594.5, 2594.6, 2594.7  
 12/03/13 ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552  
 11/27/13 ADOPT: 1718.1  
 11/26/13 ADOPT: 2598.1, 2598.2, 2598.3, 2598.4, 2598.5, 2598.6  
 11/20/13 ADOPT: 2274.50, 2274.51, 2274.52, 2274.53, 2274.54, 2274.55, 2274.56, 2274.57, 2274.58, 2274.59, 2274.60  
 11/20/13 ADOPT: 2562.1, 2562.2, 2562.3, 2562.4  
 11/19/13 ADOPT: 10.190500, 10.190501  
 11/13/13 AMEND: 2699.200, 2699.207  
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09/19/13	ADOPT: 6458	10/23/13	AMEND: 18419
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02/19/14	AMEND: 999.10	10/11/13	AMEND: 190, 195
01/14/14	AMEND: 1015(c)	10/10/13	ADOPT: 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307
12/26/13	ADOPT: 4200, 4210, 4220, 4230, 4240	10/02/13	AMEND: 401 REPEAL: 480
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12/12/13	AMEND: 1001, 1005, 1006, 1007, 1008, 1055, 1070, 1071, 1950	09/19/13	AMEND: 502
12/12/13	AMEND: 44.3		
12/12/13	ADOPT: 51.28		
12/02/13	AMEND: 1954(f), 1955(g), 1960(f)		
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09/23/13	REPEAL: 3000	02/11/14	ADOPT: 3999.15
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12/30/13	AMEND: 423.00	02/06/14	ADOPT: 3750, 3751, 3752, 3753, 3754, 3756, 3760, 3761, 3761.1, 3762, 3763, 3764, 3765, 3766 AMEND: 3000, 3075.2, 3768.2, 3768.3
12/16/13	AMEND: 2262.9, 2263, 2282	01/23/14	AMEND: 3000, 3075
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02/19/14	AMEND: 7.00, 7.50, 8.00	01/09/14	ADOPT: 1712.2, 1714.2, 1730.2, 1740.2 AMEND: 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730, 1730.1, 1731, 1747, 1747.1, 1747.5, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
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01/21/14	AMEND: 7.50	12/09/13	AMEND: 3000, 3190, 3213, 3334
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01/14/14	AMEND: 165, 165.5		
01/13/14	ADOPT: 4000		
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12/30/13	ADOPT: 1761, 1780, 1781, 1782, 1783, 1783.1, 1783.2, 1783.3, 1783.4, 1788		
12/23/13	AMEND: 5.79, 27.92		
12/20/13	ADOPT: 2012 AMEND: 2010, 2015, 2030, 2040, 2045, 2405, 2505		
12/19/13	AMEND: 705		
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12/17/13	AMEND: 2530, 2535		
12/09/13	AMEND: 820.01		
11/27/13	AMEND: 895.1, 916.9, 936.9, 956.9		
11/26/13	AMEND: 895.1		
11/21/13	AMEND: 251.4		
11/20/13	AMEND: 29.15		
11/19/13	AMEND: 699.5		
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09/25/13	REPEAL: 7001	11/21/13	ADOPT: 56068, 56069, 56070, 56071, 56072, 56073, 56074, 56620, 56621, 56622, 56623, 56624, 56625 AMEND: 56101
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01/17/14	AMEND: 475, 476, 3065	10/11/13	ADOPT: 30400, 30409, 30411, 30412, 30413, 30413.5, 30414, 30415, 30416, 30417, 30418, 30419, 30420, 30467, 30468 AMEND: 30403, 30403.5, 30403.8, 30404, 30405, 30406, 30408, 30410, 30421, 30422, 30423, 30424, 30425, 30427.2, 30435, 30436, 30437, 30440, 30442, 30443, 30444, 30446, 30447, 30450, 30451, 30455.1, 30456.6, 30460, 30461, 30462, 30463, 30464, 30465, 30466 REPEAL: 30400.5, 30400.40, 30400.60, 30400.85, 30400.95, 30420, 30427, 30428, 30441, 30445, 30445.1, 30452, 30467, 30468
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01/13/14	AMEND: 70	09/18/13	ADOPT: 100900, 100901, 100902, 100903, 100904
01/07/14	AMEND: 1524	<b>Title 18</b>	
01/07/14	ADOPT: 1018.01 AMEND: 1018	01/08/14	AMEND: 25106.5-1
12/31/13	ADOPT: 4172	12/24/13	AMEND: 263, 462.020, 462.060, 462.160, 462.180, 462.220, 462.240
12/23/13	ADOPT: 4128 AMEND: 4122, 4130	12/09/13	AMEND: 17951-4, 17951-6, 25101, 25106.5-9, 25106.5-10, 25128, 25137-1, 25137-2, 25137-4.2, 25137-7, 25137-8.2, 25137-9, 25137-10, 25137-11, 25137-14
12/18/13	ADOPT: 5.5, 18, 19, 20, 21, 22 AMEND: 21 (renumbered to 36.1), 26, 98	12/09/13	AMEND: 1642
12/04/13	AMEND: 1065	11/26/13	ADOPT: 2000, 2001
11/21/13	AMEND: 121	11/21/13	AMEND: 25106.5
11/18/13	AMEND: 411, 412, 3008, 3009	10/30/13	REPEAL: 474
11/13/13	ADOPT: 15, 16, 16.1, 16.2	10/14/13	ADOPT: 1566.1
11/06/13	ADOPT: 420.1, 3021.1	09/23/13	ADOPT: 2000
11/06/13	ADOPT: 420.1, 3021.1	<b>Title 20</b>	
10/28/13	AMEND: 1398.6	01/28/14	AMEND: 2401, 2402
10/17/13	AMEND: 442, 3035	01/08/14	AMEND: 1660, 1661, 1662, 1663, 1664, 1665
10/16/13	REPEAL: 3340.38	01/08/14	AMEND: 1.2, 1.5, 1.9, 1.10, 1.13, 2.4, 3.3, 3.6, 4.2, 8.3, 13.1, 13.8, 13.11, 13.13, 14.1, 14.2, 14.5, 14.6, 15.2, 16.6, 18.1
10/16/13	ADOPT: 15, 15.1, 15.2, 15.3, 15.4 AMEND: 70, 71, 80.1, 80.2	10/17/13	AMEND: 1680, 1681, 1683, 1684
10/09/13	AMEND: 109, 117		
09/30/13	AMEND: 2475		
09/27/13	ADOPT: 2030.05, 2030.3, 2032.05, 2032.15, 2032.25, 2032.35 AMEND: 2030, 2030.1, 2030.2, 2032.1, 2032.2, 2032.3, 2032.4, 2037		
09/23/13	REPEAL: 3526		
<b>Title 17</b>			
01/28/14	ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525		
01/27/14	AMEND: 100600, 100601, 100602, 100608		
12/31/13	ADOPT: 95124 AMEND: 95101, 95102, 95103, 95104, 95105, 95110, 95111, 95112, 95113, 95114, 95115, 95116, 95117, 95118, 95119, 95120, 95121, 95122, 95123, 95129, 95130, 95131, 95132, 95133, 95150, 95151, 95152, 95153, 95154, 95155, 95156, 95157		

**Title 21**

01/07/14 ADOPT: 2653, 2654, 2655, 2656, 2657, 2658  
 09/23/13 ADOPT: 2653, 2654, 2655, 2656, 2657, 2658

**Title 22**

02/13/14 AMEND: 51003  
 12/24/13 AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 54501  
 12/17/13 ADOPT: 70438.2  
 12/16/13 AMEND: 50090, 50260, 50262.3, 50951, 50953, 51008, 51008.5, 51015, 51159, 51200, 51303, 51341.1, 51458.1, 51476, 51490.1  
 12/05/13 ADOPT: 70951, 70952, 70953, 70954, 70955, 70956, 70957, 70958, 70958.1, 70959, 70960, 71701, 71702, 71703  
 10/28/13 AMEND: 123000  
 10/16/13 AMEND: 67100.1, 67100.8, 67100.9  
 10/02/13 AMEND: 97212  
 10/01/13 AMEND: 69501.3(b), 69509.1(a), 69509.1(c)  
 09/23/13 AMEND: 97232  
 09/18/13 AMEND: 51516.1

**Title 23**

02/04/14 AMEND: 2921  
 01/09/14 ADOPT: 13.2, 21, 22, 23, 24, 25, 27, 29  
 AMEND: 13, 13.1, 13.2 (renumbered to 13.3), 20, 21 (renumbered to 26), 26 (renumbered to 28), 28 (renumbered to 30) REPEAL: 23, 24, 25, 27  
 12/03/13 AMEND: 597  
 11/08/13 AMEND: 3939.24  
 11/08/13 AMEND: 3939.15  
 11/07/13 AMEND: 3938, 3939, 3939.4, 3939.12

11/06/13 AMEND: 595  
 10/31/13 AMEND: 1062, 1064, 1066, 1068  
 10/23/13 AMEND: 2200, 2200.5, 2200.6

**Title 27**

12/17/13 ADOPT: 15186.1 AMEND: 15100, 15110, 15150, 15170, 15180, 15185, 15186, 15187, 15188, 15190, 15200, 15210, 15220, 15240, 15242, 15250, 15260, 15280, 15290, 15300, 15330, Appendix B, Div. 3, Subd. 1, Ch. 1, Ch. 2, Ch. 3, Ch. 4, Ch. 5, Ch. 6 REPEAL: 15189, 15400, 15400.1, 15400.3, 15400.4, 15410, 15600, 15610, 15620

**Title 28**

12/16/13 ADOPT: 1300.67.005  
 10/07/13 ADOPT: 1300.67.003

**Title MPP**

12/24/13 ADOPT: 40-038 AMEND: 22-071, 22-072, 22-305, 40-036, 40-103, 40-105, 40-107, 40-119, 40-125, 40-128, 40-131, 40-173, 40-181, 40-188, 40-190, 41-405, 42-209, 42-213, 42-221, 42-302, 42-406, 42-407, 42-716, 42-721, 42-751, 42-769, 44-101, 44-102, 44-111, 44-113, 44-115, 44-133, 44-205, 44-207, 44-211, 44-304, 44-305, 44-313, 44-314, 44-315, 44-316, 44-317, 44-318, 44-325, 44-327, 44-340, 44-350, 44-352, 47-220, 47-320, 48-001, 80-301, 80-310, 82-612, 82-812, 82-820, 82-824, 82-832, 89-110, 89-201 REPEAL: 44-400, 44-401, 44-402, 44-403  
 12/02/13 AMEND: 44-352  
 09/30/13 AMEND: 40-105, 42-422, 82-504