

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN SENATE JUNE 13, 2013

AMENDED IN ASSEMBLY MAY 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1165

Introduced by Assembly Member Skinner
(Principal coauthor: Senator Hancock)
(Coauthors: Assembly Members Ting and Williams)

February 22, 2013

An act to amend Section 6600 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1165, as amended, Skinner. Occupational safety and health: violations.

Existing law establishes the Division of Occupational Safety and Health in the Department of Industrial Relations to enforce employment safety laws. Existing law authorizes the division to conduct hearings, inspections, and investigations regarding alleged violations of employment safety laws and to issue a citation or notice to employers. Existing law establishes the Occupational Safety and Health Appeals Board in the department, and prescribes procedures for the appeals board to hear and decide employer appeals of a citation or notice.

This bill would provide that an appeal of a citation or notice, as specified, that is classified and cited as a serious violation, repeat serious violation, willful serious violation, ~~willful violation~~, ~~willful repeat violation~~, or failure to abate shall not stay abatement dates and requirements. *The bill would require the division to stay the abatement*

for a serious violation, repeat serious violation, willful serious violation, or failure to abate, if it makes a specified determination. The bill would authorize the division to stay an abatement requirement while a motion to stay an abatement is pending. The bill would authorize an employer to request an expedited appeal from the appeals board and would require the appeals board to conduct an expedited hearing in accordance with specified regulations.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6600 of the Labor Code is amended to
2 read:

3 6600. (a) An employer served with a citation or notice pursuant
4 to Section 6317, or a notice of proposed penalty under this part,
5 or any other person obligated to the employer as specified in
6 subdivision (b) of Section 6319, may appeal to the appeals board
7 within 15 working days from the receipt of the citation or notice
8 with respect to violations alleged by the division, abatement
9 periods, amount of proposed penalties, and the reasonableness of
10 the changes required by the division to abate the condition.

11 (b) (1) When either abatement is on appeal or abatement has
12 not occurred, an appeal of a citation or notice pursuant to Section
13 ~~6317~~, 6317 that is classified and cited as a serious violation, repeat
14 serious violation, willful serious violation, ~~willful violation~~, ~~willful~~
15 ~~repeat violation~~, or failure to abate shall not stay the abatement
16 dates and requirements.

17 (2) An employer may request a stay of abatement from the
18 division.

19 (3) The division shall stay the abatement for a serious violation,
20 repeat serious violation, willful serious violation, ~~willful violation~~,
21 ~~willful repeat violation~~, or failure to abate, if the division
22 determines *that there is a substantial likelihood of success by the*
23 *employer on the contested matters and* that a stay will not
24 adversely affect the health and safety of employees.

25 (c) The division may stay an abatement requirement while a
26 motion to stay an abatement is pending.

27 (d) The employer may request an expedited appeal from the
28 appeals board and the appeals board shall conduct an expedited

1 hearing pursuant to regulations—promulgated *adopted* by the
2 ~~Occupational Safety and Health Appeals Board~~, *appeals board*
3 pursuant to Section 373 of Title 8 of the California Code of
4 Regulations.

O