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Dated
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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 3. DEPARTMENT OF PESTICIDE REGULATION

MEDICAL SUPERVISION PROGRAM DPR REGULATION NUMBER 22-002

The Department of Pesticide Regulation (DPR) proposes to amend Title 3, California Code of Regulations (3 CCR) section 6728. The pesticide regulatory program activities affected by the proposal are those pertaining to pesticide worker safety. In summary, the proposed action will clarify that the physician contracted with an employer to act as a medical supervisor must be registered with the Office of Environmental Health Hazard Assessment (OEHHA). Additionally, the proposed action will require that baseline red cell and plasma cholinesterase determinations, which are verified every two years, be established after a period of at least 30 days during which the employee has had no exposure to an organophosphate or carbamate (OP/CB) pesticide.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on May 3, 2022. Comments regarding this proposed action may also be transmitted via e-mail to dpr22002@cdpr.ca.gov or by facsimile at 916-324-1491.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does not affect small businesses. The proposed

action will clarify that physicians who contract with an employer to act as a medical supervisor must be registered with OEHHA, which is consistent with Health and Safety Code (HSC) section 105206. It will also specify when employers must send their employees for baseline red cell and plasma cholinesterase testing. The proposed action should not impact employers or pesticide applications as employers should be able to send their employees for baseline red cell and plasma cholinesterase testing during low-spraying seasons.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Medical Supervision Program (“Program”) is designed to protect employees who regularly mix, load, or apply OP/CB pesticides with the signal word “DANGER” or “WARNING” for the commercial or research production of an agricultural plant commodity by monitoring their cholinesterase activity levels. Under DPR’s existing regulations in 3 CCR section 6728, the Program requires employers of these employees to contract with a physician to act as a medical supervisor. HSC section 105206 requires these employers to contract with a physician registered as a medical supervisor with OEHHA. Under 3 CCR section 6728(b), physicians who are contracted as medical supervisors must possess OEHHA’s *Medical Supervision of Pesticide Workers — Guidelines for Physicians* (GFP), which recommends a 30-day exposure-free period from OP/CB pesticides before establishing a baseline red cell and plasma cholinesterase determination. Additionally, 3 CCR section 6728(c)(1) requires employers to send their employees to the medical supervisor for baseline red cell and plasma cholinesterase determinations. The medical supervisor orders a cholinesterase test to establish baseline red cell and plasma cholinesterase determinations. If an employee handles OP/CB pesticides with the signal word “DANGER” or “WARNING” for more than six days in a 30-day period, then follow-up cholinesterase tests are ordered for monitoring at intervals specified by the medical supervisor. The medical supervisor will compare the follow-up tests to the baseline test to determine if an employee has depressed cholinesterase levels. If a depression does occur, then the medical supervisor will recommend additional protective measures to the employer.

The proposed regulations would amend 3 CCR section 6728(b) to clarify that the physician contracted as a medical supervisor must be registered with OEHHA, as required by HSC section 105206. It would also amend 3 CCR section 6728(c)(1) to specify that baseline values verified every two years shall be established after a period of at least 30 days during

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

which the employee has had no exposure to OP/CB pesticides.

The broad objective of the regulations is to protect employees who regularly mix, load, or apply OP/CB pesticides with the signal word “DANGER” or “WARNING” for the commercial or research production of an agricultural plant commodity from overexposure. These proposed regulations will provide a benefit to and enhance worker safety by ensuring accurate determinations of an employee’s baseline red cell and plasma cholinesterase levels. Accurate baselines will enable registered medical supervisors to accurately determine if employees have depressed cholinesterase levels and provide the appropriate recommendations to employers to protect their employees from overexposure (i.e., removal of the employee from further exposure or workplace evaluation.)

During the process of developing these proposed regulations, DPR conducted a search of any similar regulations on this topic and has concluded that these proposed regulations are neither inconsistent nor incompatible with existing state regulations. This proposed action will only amend an existing program to require medical supervisors to be registered with OEHHA, consistent with HSC section 105206, and to specify the required timing for employers to send their employees for baseline red cell and plasma cholinesterase testing.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR determined that the proposed regulatory action does not impose a mandate on local agencies or school districts. DPR also determined that there are no costs to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq. There are no other nondiscretionary costs or savings imposed upon local agencies that are expected to result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

DPR determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. These amendments will not have an economic impact on established businesses and medical practices, as there is no cost for physicians to register as medical supervisors with OEHHA. In addition, the proposed action should not impact employer costs or pesticide applications, as employers can send their employees for baseline red cell and plasma cholinesterase testing during low-spraying seasons.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses: DPR determined it is not likely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California. Employers covered by the Program are already required to send their employees who regularly handle OP/CB pesticides for baseline red cell and plasma cholinesterase testing. This proposed action will simply add language to an existing program specifying the period when the baseline red cell and plasma cholinesterase testing must be performed. The proposed action should not impact employer costs or pesticide applications, as employers can send their employees for baseline testing during low-spraying seasons. Moreover, employers are already required to contract with a medical supervisor under HSC section 105206. This amendment adds language clarifying that physicians contracted as medical supervisors must be registered with OEHHA. This amendment will not have an economic impact on established businesses

and medical practices, as there is no cost for physicians to register as medical supervisors with OEHHA.

The proposed regulations will benefit and enhance worker safety by ensuring accurate determinations of an employee's baseline red cell and plasma cholinesterase levels in an exposure-free period. Accurate baselines will enable registered medical supervisors to continuously monitor cholinesterase levels of an employee and recommend additional protective measures if cholinesterase depression occurs. This will further protect employees by ensuring the most accurate baseline and subsequent testing, helping determine if additional protective measures are needed to protect employees from overexposure (i.e., removal of the employee from further exposure or workplace evaluation.).

CONSIDERATION OF ALTERNATIVES

DPR 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 regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by Food and Agricultural Code (FAC) section 12981.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 12980 and 12981, and Health and Safety Code section 105206.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR prepared an Initial Statement of Reasons and is making available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, and the proposed text of the regulation; and inquiries regarding the rulemaking file may be directed to:

Lauren Otani, Senior Environmental Scientist
(Specialist)
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015
916-445-5781

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following back-up person at the same address as noted below:

Shafeesha Ali, Research Scientist II
(Epidemiology/Biostatistics)
Worker Health and Safety Branch
916-445-4278

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <http://www.cdpr.ca.gov>. Upon request, the documents can be made available in another language, or an alternate form as a disability-related accommodation.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <http://www.cdpr.ca.gov>.

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, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to adopt proposed new sections 32007, 32008, 95000, 95010, 95020, 95030, 95040, 95050, 95060, 95070, 95080, 95090, 95100, 95110, 95120, 95130, 95140, 95150, 95160, 95200, 95210, 95220, and 95230, and amend sections 31001, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32085, 32090, 32091, 32092, 32093, 32094, 32100, 32105, 32110, 32111, 32115, 32120, 32125, 32130, 32132, 32135, 32136, 32140, 32143, 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, 32312, 32315, 32320, 32325, 32350, 32360, 32370, 32375, 32380, 32400, 32410, 32450, 32455, 32460, 32465, 32470, 32500, 32602, 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, 32781, 32783, 32784, 32786, 32791, 32792, 32793, 32795, and 32980.

Section 31001 provides for public meetings of the Public Employment Relations Board. Proposed section 32007 adopts a definition of “JCEERA,” to mean the Judicial Council Employer–Employee Relations Act (Government Code section 3524.50 et seq.). Proposed section 32008 defines terms applicable for cases filed under the JCEERA. Section 32020 defines the term “Board.” Section 32030 defines the term “Board itself.” Section 32040 defines the term “Executive Director.” Section 32050 defines the term “General Counsel.” Section 32055 defines the term “Chief Administrative Law Judge.” Section 32060 defines the term “headquarters office.” Section 32075 defines the term “regional office.” Section 32080 defines the term “day.” Section 32085 defines the term “workday” under each of the statutes administered by PERB. Section 32090 provides for filing through PERB’s electronic filing system. Section 32091 defines the term “electronic filing.” Section 32092 defines the term “electronic signature.” Section 32093 defines the term “electronic service.” Section 32094 defines the term

“filed.” 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 32110 provides the requirements when filing electronically with PERB. Section 32111 authorizes the Board to direct electronic posting of representation notices for remote workers. Section 32115 specifies in which “regional office” for filing representation petitions. Section 32120 provides for the filing of written agreements or memorandums of understanding with the Board. Section 32125 addresses the filing of confidential documents with PERB. Section 32130 addresses the computation of time for filings with PERB. Section 32132 concerns the requirements for an extension of time in which to file documents with the Board. Section 32135 concerns non–electronic filing requirements. Section 32136 concerns late filing requirements. Section 32140 concerns service requirements. Section 32143 concerns placing cases in abeyance. Section 32145 concerns 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 for disqualifying a Board agent or Board Member from participating in PERB proceedings. Section 32162 concerns the confidentiality of Board investigations. Section 32164 concerns an application for joinder of parties. 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 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 parties in PERB hearings. Section 32185 concerns ex parte communications with Board agents. Section 32190 concerns filings 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 the stipulation of facts for purposes of hearings. 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 32312 provides for the filing of a reply brief in support of 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 a definition of administrative decisions. Section 32360 concerns requirements for appeals of administrative decisions. Section 32370 concerns requests for a stay following an appeal. 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 concerns the authority of the General Counsel regarding requests for injunctive relief where a quorum of the Board itself is unavailable. Section 32500 concerns procedures for requesting judicial review of a decision in a representation case. Section 32602 provides for the processing of unfair practice charges. 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 prac-

tice 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 concerns when an election will be conducted in representation matters 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 Transit Employer–Employee Relations Act (Public Utilities Code section 99560 et seq.), and the Judicial Council Employer–Employee Relations Act (Government Code section 3524.50 et seq.). Section 32721 defines the term “parties” in representation matters 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 Transit Employer–Employee Relations Act (Public Utilities Code section 99560 et seq.), and the Judicial Council Employer–Employee Relations Act (Government Code section 3524.50 et seq.). Section 32722 concerns the preparation of ballots in representation matters. Section 32724 concerns service on the parties of a Directed Election Order or Consent Election Agreement regarding the conduct of an election, and notification to employees in a voting unit of an election. 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, tally of ballots, and service. Section 32732 concerns challenges to 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 when no ballot choice receives a majority of votes. Section 32738 concerns party objections 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 the withdrawal of objections to the conduct of an election. Section 32742 provides for hearing procedures to resolve objections to the conduct of an election or challenges to ballots. Section 32744 provides procedure for parties to file exceptions to a Board agent’s proposed decision on objections to the conduct of an elec-

tion or challenged ballots. Section 32746 concerns the revised tally of ballots following a ruling on challenged ballots. Section 32748 permits a party to file objections to a revised tally of ballots. Section 32750 concerns the certification of results of an election or of an 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 concerns when the Board must 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 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 of a decertification petition. Section 32774 concerns the process for the Board to determine proof of employee support for decertification petitions. Section 32776 concerns the procedure for investigating decertification petitions. Section 32781 provides for the filing of petitions to modify existing employee units and the manner in which employee units may be modified. Section 32783 concerns the filing of responses to petitions for unit modification. Section 32784 concerns the process for the Board to determine proof of employee support for petitions for unit modification. Section 32786 concerns the Board's investigation and disposition of a petition for unit modification. Section 32791 provides for the selection by the parties of a mediator. Section 32792 concerns the procedures for parties to request the Board determine the existence of impasse and appointment of a mediator. Section 32793 concerns the procedure for the Board to determine the existence of impasse. Section 32795 concerns subsequent requests by parties to the Board to determine the existence of impasse and appointment of a mediator after the Board's determination that an impasse does not exist. Section 32980 concerns enforcement of compliance with final decisions of the Board. Proposed section 95000 defines the term "window period," which is the time period when representation petitions may be filed during the term of a memorandum of understanding. Proposed section 95010 provides a process for employee organizations that are not the exclusive representative of employees of the Judicial Council to receive notice from PERB regarding representation petitions, election notices, or decisions affecting those employees. Proposed section 95020 defines the term "parties" to include entities that may be a party to a representation matter. Proposed section 95030 provides a procedure for employee organizations to petition to be certified as the exclusive representative of an appropriate unit of unrepresented

employees. Proposed section 95040 provides for the posting of the notice of the petition for certification. Proposed section 95050 provides a process for the Board to determine proof of employee support for certification petitions. Proposed section 95060 allows an employee organization to withdraw a petition for certification prior to a final decision by the Board. Proposed section 95070 concerns amendments to a petition for certification. Proposed section 95080 concerns the employer's response to a petition for certification. Proposed section 95090 provides for the Board's investigation of a petition for certification. Proposed section 95100 provides for the filing of a severance petition. Proposed section 95110 provides for the posting of the notice of the severance petition. Proposed section 95120 provides a process for the Board to determine proof of employee support for severance petitions. Proposed section 95130 concerns the employer's and exclusive representative's response to a severance petition. Proposed section 95140 concerns amendments to a severance petition. Proposed section 95150 provides for the withdrawal of a severance petition. Proposed section 95160 provides for the Board's investigation of a severance petition. Proposed section 95200 concerns the providing of notice to interested parties when the Board makes the determination to conduct a representation election. Proposed section 95210 provides a procedure for employee organizations to file an intervention to appear on the ballot for a representation election. Proposed section 95220 provides a process for the Board to determine proof of employee support for a representation election. Proposed section 95230 concerns PERB regulations applicable to representation elections.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board 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 Board. Comments may also be submitted by facsimile (FAX) at (916) 327-6377 or by e-mail at ronald.pearson@perb.ca.gov. The written comment period closes on May 2, 2022, which is 45 days after the publication of this notice. The Board will only consider comments received at the Board offices by that time. Submit written comments to:

Ronald Pearson, Supervising Regional Attorney
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811

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 (EERA; Government Code section 3540 et seq.). 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–Milius–Brown Act (MMBA; Government Code section 3500 et seq.). 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 (Dills Act; Government Code section 3512 et seq.). 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 (HEERA; Government Code section 3560 et seq.). 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 (TEERA; Public Utilities Code section 99560 et seq.). 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 (Trial Court Act; Government Code section 71600 et seq.). 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 (Court Interpreter Act; Government Code section 71800 et seq.). Government Code section 3524.52(a), authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Judicial Council Employer–Employee Relations Act (JCEERA; Government Code section 3524.50 et seq.). Pursuant to Government Code sections 3541.3(g) and 3555.5(c), 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 Public Employee Communication Chapter (PECC; Government Code section 3555 et seq.). Pursuant to the Government Code sections 3541.3(g) and 3551(a), 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 Prohibition on Public Employers Deterring or Discouraging Union Membership chapter (PEDD; Government Code section 3500 et seq.). Pursuant to Education Code sections 8431(e), 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 Child Care and Development Act (Childcare Provider Act; Education Code section 8430 et seq.).

General reference for **section 31001** of the Board’s regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1 and 71825, Government Code; and Section 99561, Public Utilities Code. General reference for **proposed section 32007**: Section 3524.50, Government Code. General reference for **proposed section 32008**: Section 3524.50, et seq., Government Code. General reference for **section 32020** of the Board’s regulations: Sections 3501(f), 3509, 3513(h), 3524.52(a), 3540.1(a), 3541, 3551(a), 3555.5(c), 3562(b), 71639.1(a) and 71825(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), 3524.52(a), 3540.1(a), 3541, 3551(a), 3555.5(c), 3562(b), 71639.1(a) and 71825(a), Government Code; and Section 99560.1(b), Public Utilities 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), 3524.52(a), 3541.3(k), 3551(a), 3555.5(c), 3563(j), 71639.1 and 71825, Government Code; and Section 99561(j), Public Utilities Code. General reference for **section 32060** of the Board’s regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32075** of the Board’s regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32080** of the Board’s regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(f), Public Utilities Code. General reference for **section 32085** of the Board’s regulations: Sections 3509, 3524.52(a), 3541.3(n), 3563(m), 3513(h), 3541.3(g), 3563(f), 71639.1 and 71825, Government Code; and

Section 99561(f), Public Utilities Code. General reference for **section 32090** of the Board's regulations: Sections 3509, 3513, 3514.5, 3524.52(a), 3524.55, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, 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, 3524.52(a), 3524.55, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code; and Sections 99561 and 99561.2, Public Utilities Code. General reference for **section 32092** of the Board's regulations: Sections 3509, 3513, 3514.5, 3524.52(a), 3524.55, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code, and Sections 99561 and 99561.2, Public Utilities Code. California Rule of Court 2.257. General reference for **section 32093** of the Board's regulations: Sections 3509, 3513, 3514.5, 3524.52(a), 3524.55, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code, and Sections 99561 and 99561.2, Public Utilities Code. General reference for **section 32094** of the Board's regulations: Sections 3509, 3513, 3514.5, 3524.52(a), 3524.55, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, 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), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3557, 3563, 3600, 3601, 3602, 3603, 3611, 71632.5, 71636, 71636.1, 71636.3, 71637, 71637.1, 71639.1, 71823 and 71825, 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), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1 and 71825, Government Code; and Section 99561, Public Utilities Code. General reference for **section 32110** of the Board's regulations: Sections 3509, 3513, 3514.5, 3524.52(a), 3524.55, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code, and Sections 99561 and 99561.2, Public Utilities Code. General reference for **section 32111** of the Board's regulations: Sections 3509, 3513, 3514.5, 3524.52(a), 3524.55, 3524.74, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code, and Sections 99561 and 99561.2, Public Utilities Code. General reference for **section 32115** of the Board's regulations: Sections

3509, 3524, 3524.52(a), 3524.74, 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1, 71807 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32120** of the Board's regulations: Sections 3509, 3513(h), 3524, 3524.50, 3524.52(a), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 3541.3(f), 3541.3(g), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32125** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3, 3544.7(b), 3551(a), 3555.5(c), 3563, 3577(b), 71639.1, and 71825, Government Code, and Sections 99561 and 99564.4(b), Public Utilities Code. General reference for **section 32130** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3, 3544.7(b), 3551(a), 3555.5(c), 3563, 3577(b), 71639.1 and 71825, 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, 3524.52(a), 3524.76, 3541.3(n), 3541.35, 3563(m), 3551(a), 3555.5(c), 3563.5, 71639.1, 71639.15, 71825 and 71825.05, 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), 3524.52(a), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32136** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, 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), 3524.52(a), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32143** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Sections 12, 12(a) and 1013, Code of Civil Procedure; and Section 99561(m), Public Utilities Code. General reference for **section 32145** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32147** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32149** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32150**

of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 3601, 71639.1 and 71825, 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, 3524.52(a), 3524.73, 3541.3, 3542, 3551(a), 3555.5(c), 3557, 3563, 3564, 71639.1, 71639.4, 71825 and 71825.1, 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), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32164** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32165** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(a), 3541.3(b), 3541.3(h), 3541.3 (l), 3541.3(m), 3541.3(n), 3563(a), 3563(c), 3563(g), 3563(k), 3563 (l), 71639.1 and 71825, Government Code; and Sections 99561(a), 99561(c), 99561(g), 99561(k) and 99561 (l), Public Utilities Code. General reference to **section 32166** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(a), 3541.3(b), 3541.3(h), 3541.3 (l), 3541.3(m), 3541.3(n), 3563(a), 3563(c), 3563(g), 3563(k), 3563 (l), 71639.1 and 71825, Government Code; and Sections 99561(a), 99561(c), 99561(g), 99561(k) and 99561 (l), Public Utilities Code. General reference for **section 32168** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3541.3 (k), 3551(a), 3555.5(c), 3563(g), 3563(j), 71639.1 and 71825, Government Code; and Sections 99561(g) and 99561(j), Public Utilities Code. General reference for **section 32169** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32170** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3541.3(k), 3551(a), 3555.5(c), 3563(g), 3563(j), 71639.1 and 71825, Government Code; and Sections 99561(g) and 99561(j), Public Utilities Code. General reference for **section 32175** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(a), 3541.3(b), 3541.3(h), 3541.3 (l), 3541.3(m), 3563(a), 3563(c), 3563(g), 3563(k), 3563 (l), 71639.1 and 71825, Government Code; and Sections 99561(a), 99561(c), 99561(g), 99561(k) and 99561 (l), Public Utilities Code. General reference for **section 32176** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3541.3(i), 3551(a), 3555.5(c), 3563(g), 3563(h), 71639.1 and 71825,

Government Code; and Sections 99561(g) and 99561(h), Public Utilities Code. General reference for **section 32178** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3541.3(i), 3551(a), 3555.5(c), 3563(g), 3563(h), 71639.1 and 71825, Government Code; and Sections 99561(g) and 99561(h), Public Utilities Code. General reference for **section 32180** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32185** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3541.3(i), 3541.3(n), 3551(a), 3555.5(c), 3563(g), 3563(h), 3563(m), 71639.1 and 71825, Government Code; and Sections 99561(g), 99561(h) and 99561(m), Public Utilities Code. General reference for **section 32190** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32200** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32205** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32206** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32207** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32209** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32210** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(a), 3541.3(b), 3541.3(e), 3541.3(g), 3541.3(h), 3541.3(i), 3541.3 (l), 3541.3(m), 3541.3(n), 3551(a), 3555.5(c), 3563(a), 3563(b), 3563(e), 3563(f), 3563(g), 3563(h), 3563(k), 3563 (l), 3563(m), 71639.1 and 71825, Government Code; and Section 99561, Public Utilities Code. General reference for **section 32212** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32215** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and

71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32220** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32230** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32295** of the Board's regulations: Sections 3509, 3513, 3514.5, 3524.52(a), 3524.55, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, 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), 3524.52(a), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1 and 71825, 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, 3524.52(a), 3524.76, 3541.3(k), 3541.3(n), 3541.35, 3551(a), 3555.5(c), 3563(j), 3563(m), 3563.5, 71639.1, 71639.15, 71825 and 71825.05, Government Code; and Sections 99561(j), 99561(m) and 99561.4, Public Utilities Code. General reference for **section 32310** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1 and 71825, 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 32312** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505 and 125521, Appendix I, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. General reference for **section 32315** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1 and 71825, 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, 3524.52(a), 3524.55, 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 3563.2, 11425.60, 71639.1 and 71825, Government Code; and Sections 99561(j), 99561(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, 3524.55(c), 3524.73, 3541.5(c), 3542, 3551(a), 3555.5(c), 3563.3, 3564, 71639.1, 71639.4, 71825 and 71825.1, 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), 3524.52(a), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3557, 3563(j), 3563(m), 71639.1 and 71825, 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), 3524.52(a), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1 and 71825, 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), 3524.52(a), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1 and 71825, 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), 3524.52(a), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1 and 71825, 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), 3524.52(a), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1 and 71825, 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, 3524.73, 3542, 3551(a), 3555.5(c), 3564, 71639.4 and 71825.1, Government Code; and Section 99562, Public Utilities Code. General reference for **section 32410** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1 and 71825, 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: Sections 3509, 3513(h), 3524.52(a), 3551(a), 3555.5(c), 3541.3(j),

3541.3(n), 3563(i), 71639.1 and 71825, Government Code; and Section 99561(i), Public Utilities Code. General reference for **section 32455** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(j), 3551(a), 3555.5(c), 3563(i), 71639.1 and 71825, Government Code; and Section 99561(i), Public Utilities Code. General reference for **section 32460** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(j), 3541.3(n), 3551(a), 3555.5(c), 3563(i), 3563(m), 71639.1 and 71825, Government Code; and Sections 99561(i) and 99561(m), Public Utilities Code. General reference for **section 32465** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541.3(j), 3541.3(n), 3551(a), 3555.5(c), 3563(i), 3563(m), 71639.1 and 71825, Government Code; and Sections 99561(i) and 99561(m), Public Utilities Code. General reference for **section 32470** of the Board's regulations: Sections 3509, 3513(h), 3524.52(a), 3541(f), 3541(g), 3541.3(j), 3541.3(k), 3551(a), 3555.5(c), 3563(i), 3563(j), 71639.1 and 71825, Government Code; and Sections 99561(i) and 99561(j), Public Utilities Code. General reference for **section 32500** of the Board's regulations: Sections 3509, 3509.5, 3520, 3524.73, 3542, 3564, 71639.4 and 71825.1, 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, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71636, 71636.3, 71637.1, 71639.1, 71814, 71823 and 71825, Government Code; and Sections 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32612** of the Board's regulations: Sections 3509, 3513(h), 3514.5, 3524.52(a), 3524.55, 3541.3(i), 3541.5, 3551(a), 3555.5(c), 3563(h), 3563.2, 71639.1, 71807 and 71825, 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, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, 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, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1 and 71825, 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, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71636, 71636.3, 71637.1, 71639.1, 71814, 71823 and 71825, 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, 3506.5, 3509, 3513, 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, 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, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, 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, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, 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, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, 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, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i),

3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, 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), 3524.52(a), 3524.55, 3541.5(a), 3551(a), 3555.5(c), 3563.2, 71639.1 and 71825, 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, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, 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, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, 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, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, 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, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, 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, 3524.52(a), 3524.55, 3524.71, 3524.72, 3541.5, 3543.5, 3543.6, 3551(a), 3555.5(c), 3558.8, 3563.2, 3571, 3571.1, 3571.3, 3589, 71639.1 and 71825, 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, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 99561(g), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32690** of the Board's regulations: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 99561(g), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3 and 99569, Public Utilities Code. General reference for **section 32700** of the Board's regulations: Sections 3513(h), 3515.7(d), 3520.5, 3524.52(a), 3524.74, 3544, 3544.1, 3544.3, 3544.5, 3544.7, 3546, 3573, 3574, 3575, 3576, 3577 and 3585.5, Government Code; and Sections 99561(c), 99561(e), 99561(k), 99561 (l), 99564, 99564.1, 99564.2, 99564.3, 99564.4 and 99566.1, Public Utilities Code; and Sections 8431 and 8434, Education Code. General reference for **section 32720** of the Board's regulations: Sections 3541.3(c), 3541.3(e), 3541.3(g), 3541.3 (l), 3541.3(m), 3513(h), 3520.5(b), 3524.52(a), 3524.74(a), 3524.74(b), 3524.74(d), 3544.1(a), 3544.3, 3544.7(a), 3546, 3563(c), 3574(a), 3577, 3579(e) and 3583.5, Government Code; and Sections 99561(c), 99561(e), 99561(k), 99561 (l), 99564, 99564.1, 99564.2, 99564.3, 99564.4 and 99566.1, Public Utilities Code. General reference for **section 32721** of the Board's regulations: Sections 3520.5(b), 3524.52(a), 3524.74(a), 3524.74(b), 3524.74(d), 3544.1(a), 3544.3, 3544.7(a), 3546, 3574(a), 3577, 3579(e) and 3583.5, Government Code; and Sections 99561(c), 99561(e), 99561(k), 99561 (l), 99564, 99564.1, 99564.2, 99564.3, 99564.4 and 99566.1, Public Utilities Code. General reference for **section 32722** of the Board's regulations: Sections 3513(h), 3520.5(b), 3524.52(a), 3524.74(a), 3524.74(b), 3524.74(d), 3541.3(c), 3541.3(e), 3541.3(m), 3544.1(a), 3544.3, 3544.7(a), 3546, 3563(c), 3574(a), 3577, 3579(e) and 3583.5, Government Code; and Sections 99561(c), 99561(e), 99561(k), 99561 (l), 99564, 99564.1, 99564.2, 99564.3, 99564.4 and 99566.1, Public Utilities Code. General reference for **section 32724** of the Board's regulations: Sections 3520.5(b), 3524.52(a), 3524.74(a), 3524.74(b), 3524.74(d), 3544.1(a), 3544.3, 3544.7(a), 3546, 3574(a), 3577, 3579(e) and 3583.5, Government Code; and Sections 99561(c), 99561(e), 99561(k), 99561 (l), 99564, 99564.1, 99564.2, 99564.3, 99564.4 and 99566.1, Public Utilities Code. General reference for **section 32726** of the Board's regulations: Sections

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), 3524.52(a), 3524.74(a), 3524.74(b), 3524.74(d), 3541.3(c), 3544.1(a), 3544.3, 3544.7(a), 3546, 3563(c), 3574(a), 3577, 3579(e) and 3583.5, Government Code; and Sections 99561(c), 99561(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), 3524.52(a), 3541.3(m) and 3563 (l), Government Code; and Section 99561 (l), Public Utilities Code. General reference for **section 32762** of the Board's regulations: Sections 3513(h), 3524.52(a), 3541.3(m) and 3563 (l), Government Code; and Section 99561 (l), Public Utilities Code. General reference for **section 32763** of the Board's regulations: Sections 3513(h), 3524.52(a), 3524.74(b), 3541.3(h), 3541.3(m), 3563(g) and 3563 (l), Government Code; and Section 99561(g) and 99561 (l), Public Utilities Code. General reference for **section 32770** of the Board's regulations: Sections 3513(h), 3524.52(a), 3524.74(b), 3524.74(d), 3541.3(g) and 3563(k), 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, 3524.50, 3524.52(a), 3524.74(b), 3524.74(d), 3541.3(g) and 3563(k), 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), 3524.52(a), 3524.74 (b), 3524.74(d), 3541.3(g) and 3563(k), 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), 3524.52(a), 3524.74(a), 3524.74(b), 3524.74(d), 3541.3(g), 3520.5 and 3563(k), Government Code; and Sections 99561(k), 99564.3 and 99564.4, Public Utilities Code. General reference for **section 32781** of the Board's regulations: Sections 3513(h), 3524.52(a), 3524.53, 3524.74, 3541.3(a) and (e) and 3563(a), Government Code; and Section 99561(a), (e), Public Utilities Code. General reference for **section 32783** of the Board's regulations: Sections 3513(h), 3524.52(a), 3524.74(b), 3541.3(a), (e) and 3563(a), Government Code; and Section 99561(a), (e), Public Utilities Code. General reference for **section 32784** of the Board's regulations: Sections 3513(h), 3524.52(a), 3524.74(b), 3541.3(a), (e) and 3563(a), Government Code; and Section 99561(a), (e), Public Utilities Code. General reference for **section 32786** of the Board's regulations: Sections 3513(h), 3524.52(a), 3524.53, 3524.74, 3524.77, 3541.3(a), (e) and 3563(a), Government Code; and Section 99561(a), (e), (g), Public Utilities Code. General reference for **section 32791** of the Board's regulations: Sections 3518, 3524.68, 3548 and 3590, Government Code. General reference for **section 32792** of the Board's regulations: Sections 3518, 3524.68, 3548 and

3590, Government Code. General reference for **section 32793** of the Board's regulations: Sections 3518, 3524.68, 3548 and 3590, Government Code. General reference for **section 32795** of the Board's regulations: Sections 3518, 3524.68, 3548 and 3590, Government Code. General reference for **section 32980** of the Board's regulations: Sections 3509, 3509.5, 3514.5(c), 3520, 3524.52(a), 3524.55(c), 3524.73, 3541.5(c), 3542, 3551(a), 3555.5(c), 3563.3, 3564, 71639.1, 71639.4, 71825 and 71825.1, 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 **proposed section 95000**: Sections 3524.52(a), 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95010**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95020**: Section 3524.50, et seq., Government Code. General reference for **proposed section 95030**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95040**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95050**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95060**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95070**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95080**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95090**: Sections 3524.74, 3524.77, 3541.3(c), 3541.3(h) and 3541.3 (l), Government Code. General reference for **proposed section 95100**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95110**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95120**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95130**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95140**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95150**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95160**: Sections 3524.74, 3524.77, 3541.3(c), 3541.3(h) and 3541.3 (l), Government Code. General reference for **proposed section 95200**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95210**: Sections 3524.74, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95220**: Sections 3524.74, 3524.77, 3541.3(c) and 3541.3 (l), Government Code. General reference for **proposed section 95230**:

Sections 3524.74, 3541.3(c) and 3541.3 (*I*), Government Code.

POLICY STATEMENT OVERVIEW

PERB is a quasi-judicial agency which oversees public sector collective bargaining in California. PERB presently administers fourteen collective bargaining statutes, ensures their consistent implementation and application, and adjudicates disputes between the parties subject to them. The statutes administered by PERB are: the Meyers–Milius–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; 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 trial court employees; the Public Employee Communication Chapter (PECC) of 2017, which conferred PERB jurisdiction over violations of the PECC; the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD) of 2018, which conferred PERB jurisdiction over violations of the PEDD; the Building a Better Early Care and Education System Act of 2019, known as the Childcare Provider Act (CCPA), establishes collective bargaining for family childcare providers who participate in a state-funded early care and education program. In 2020, the Legislature gave PERB jurisdiction over the Bay Area Rapid Transit District Act (BART Act), where the Board has jurisdiction over disputes relating to employer–employee relations at BART, and jurisdiction over the Orange County Transit District Act (OCTDA) in the Public Utilities Code giving PERB jurisdiction over unfair practice charges at the Orange County Transportation Authority. In 2021, the Legislature gave PERB jurisdiction over disputes relating to employer–employee relations of the Sacramento Regional Transit District (SacRT) for those exclusive representatives that have

elected to move one or more of its bargaining units to the jurisdiction of PERB for unfair practice charges.

As a result of the enactment of Assembly Bill 83 (Stats. 2017, Ch. 835), effective January 1, 2018, PERB acquired responsibility for the administration and enforcement of the Judicial Council Employer–Employee Relations Act (JCEERA), which is codified at Chapter 10.4 of Title 1 of the Government Code, section 3524.50 et seq., covering employees of the Judicial Council. This new statutory enactment requires amendments to PERB’s existing regulations and the adoption of new regulations in order to fully implement PERB’s jurisdiction. As explained in more detail in the Informative Digest, the regulatory changes proposed by this notice address PERB’s need to implement a process for resolving disputes arising under the JCEERA, including the filing and processing of unfair practice charges. The regulatory changes proposed by this notice also address PERB’s need to implement rules and procedures regarding representation matters, including in the area of representation petitions, elections, decertification, and unit determinations.

INFORMATIVE DIGEST

A. Adoption of New Sections

Proposed Section 32007 adopts a definition of “JCEERA,” the Judicial Council Employer–Employee Relations Act (Government Code section 3524.50 et seq.).

Proposed Section 32008 adopts a section defining terms applicable for matters arising under the JCEERA (Government Code section 3524.50 et seq.), which includes the definition for the term “employee organization,” as used in Government Code section 3524.52, subdivision (c), and the term “election intervenor,” which is not defined under the JCEERA.

Proposed Section 95000 defines the term “window period,” under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.), which is the time period when representation proceedings may be filed during the term of a memorandum of understanding. This proposed section provides clarity to the parties regarding when a representation proceeding may be initiated under JCEERA during the term of a memorandum of understanding.

Proposed Section 95010 provides a process for employee organizations that are not the exclusive representative of employees of the Judicial Council to receive notice from PERB regarding representation petitions, election notices, or decisions affecting those employees under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.). This proposed section provides clarity to the parties regarding the procedures for filing a statement of interest with PERB.

Proposed Section 95020 defines the term “parties,” under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.), to include entities that may be a party to a representation matter. This proposed section provides clarity in the meaning of the term as it is used in proposed Chapter 10, which governs representation proceedings specific to the JCEERA.

Proposed Section 95030 provides a procedure for employee organizations to petition to be certified by PERB as the exclusive representative of an appropriate unit of unrepresented employees under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.). This proposed section provides clarity to employee organizations and the Judicial Council of the procedure for employee organizations to petition to be certified as the exclusive representative of an appropriate unit of unrepresented employees.

Proposed Section 95040 provides for the posting of the notice of the petition for certification under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.), which provides notice to affected employees of the petition.

Proposed Section 95050 provides a process for the Board to determine proof of employee support for certification petitions filed under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.). Proof of support is defined under Section 32700 of existing PERB regulations.

Proposed Section 95060 allows an employee organization to withdraw a petition for certification filed under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.), that the employee organization no longer wishes to pursue.

Proposed Section 95070 concerns amendments to a petition for certification filed under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.), which allows a petitioning party to correct mistakes in a petition for certification that are generally non-substantive in nature.

Proposed Section 95080 permits the employer to file a response in order to provide its position regarding a petition for certification filed under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.).

Proposed Section 95090 concerns the Board’s investigation of a petition for certification filed under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.). This proposed section enumerates the circumstances under which the Board will dismiss a petition.

Proposed Section 95100 provides for the filing of a severance petition under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.). A severance petition is used where an employee organization wishes to become the exclusive representative

of an appropriate unit consisting of employees who are already members of a larger established unit represented by an incumbent exclusive representative. This proposed section provides clarity to the parties regarding the Board’s procedures for initiating severance.

Proposed Section 95110 provides for the posting of the notice of the severance petition under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.), which provides notice to affected employees of the petition.

Proposed Section 95120 provides a process for the Board to determine proof of employee support for severance petitions filed under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.). Proof of support is defined under Section 32700 of existing PERB regulations.

Proposed Section 95130 permits the employer and exclusive representative of the established unit to each file a response in order to provide their positions regarding a severance petition filed under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.).

Proposed Section 95140 concerns amendments to a severance petition filed under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.). This proposed section allows the petitioning employee organization to amend its petition to correct any technical errors or to delete or add job classifications or positions to the proposed unit. This proposed section also provides for the posting of the notice of the amendment to the petition and the opportunity for parties to provide a response.

Proposed Section 95150 allows an employee organization to withdraw a severance petition filed under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.), that the employee organization no longer wishes to pursue.

Proposed Section 95160 provides for the Board’s investigation of a severance petition filed under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.). This proposed section enumerates the circumstances under which the Board will dismiss a petition.

Proposed Section 95200 concerns the providing of notice to interested parties when the Board makes the determination to conduct a representation election under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.). This proposed section ensures that all interested parties receive adequate notice of PERB’s intent to conduct a representation election.

Proposed Section 95210 provides a procedure for employee organizations to file an intervention to appear on the ballot of a representation election conducted by PERB under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.).

Proposed Section 95220 provides a process for the Board to determine proof of employee support for representation elections and interventions under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.). Proof of support is defined under Section 32700 of existing PERB regulations.

Proposed Section 95230 concerns the election procedures contained in PERB's regulations that will apply to elections conducted under proposed Chapter 10 for the JCEERA (Government Code section 3524.50 et seq.).

B. Amendment to the Text of Existing Sections

Section 32085 provides a definition of the term "workday" for matters over which the Board has jurisdiction. The proposed amendment to the text of subdivision (h) provides a definition for the term "workday" for matters arising under the JCEERA.

Section 32100 provides for when regulations contained in Chapter 1 apply to PERB proceedings conducted under statutes within PERB's jurisdiction. The proposed amendment to the text of subdivision (a) extends the application of existing PERB regulations under Chapter 1 to proceedings conducted under the JCEERA, and to proposed Chapter 10, which governs representation matters under the JCEERA. The proposed amendment to the text of subdivision (f) provides that proposed Chapter 10, which governs representation matters under the JCEERA, does not apply to mediation, election or other services provided by mediators or conciliators pursuant to Government Code sections 3600 and 3601.

Section 32115 specifies the locations for filing documents with PERB in representation matters that are not filed electronically. The proposed amendment to the text of subdivision (d) extends its application to representation matters filed under the JCEERA.

Section 32120 provides for the filing of written agreements or memorandums of understanding with the Board. The proposed amendment to the text of this section extends its application to agreements entered into under the JCEERA.

Section 32130 addresses the computation of time for filings with PERB. Subdivision (a) includes a reference to Section 32776, which is an exception to the general rule for computing time. Section 32776 addresses when PERB must summarily dismiss a decertification petition under EERA, the Dills Act, HEERA, and TEERA. One instance is when the decertification petition is filed outside the designated "window period" in a memorandum of understanding between the employer and exclusive representative. Another instance is when the decertification petition is filed within 12 months of a representation election result being certified. The proposed amendment to the text of subdivision (a) includes a reference to proposed subdivision (g) in Section 32776, which addresses

when PERB must summarily dismiss a decertification petition filed under the JCEERA.

Section 32147 provides for expediting matters before the Board. Subdivision (a) enumerates specific representation matters that may be expedited to quickly resolve matters involving employee choice of their representative. The proposed amendment to the text of subdivision (a) adds a reference to proposed Section 95030, which governs the filing of petitions for certification under the JCEERA, and proposed Section 95100, which governs the filing of severance petitions under the JCEERA. This proposed amendment will allow for the timely resolution of these types of petitions and provides consistency in PERB's procedures.

Section 32155 concerns the circumstances for disqualifying a Board agent or Board Member from participating in PERB proceedings. Subdivision (f) provides that parties to cases arising under the MMBA, the Dills Act, EERA, HEERA, the Trial Court Act, the Court Interpreter Act, and TEERA may include the matter of the Board's determination regarding a motion for recusal in a writ of extraordinary relief seeking judicial review of the Board's decision on the merits. This proposed amendment to the text of subdivision (f) adds a reference to Government Code section 3524.73 of the JCEERA that governs a party's right to file a petition for a writ of extraordinary relief seeking judicial review. The proposed amendment will permit a party that is aggrieved by the Board's decision under the JCEERA in a matter regarding recusal to challenge the Board's decision in the same manner as the other statutes referenced.

Section 32305 provides that proposed decisions become final if no timely exceptions are filed. Subdivision (b) states that in representation matters arising under the EERA, the Dills Act, HEERA, MMBA, TEERA, the Trial Court Act, and the Court Interpreter Act, 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 proposed amendment to the text of subdivision (b) extends the application of this subdivision to the JCEERA by including a reference to proposed Section 95030, which governs the filing of petitions for certification under the JCEERA, and proposed Section 95100, which governs the filing of severance petitions under the JCEERA.

Section 32602 provides for the processing of unfair practice charges. Subdivision (a) provides that alleged violations of statutes within PERB's jurisdiction will be processed as unfair practice charges. Government Code sections 3524.52, subdivision (a), and 3524.55 provide PERB with jurisdiction over the JCEERA, and the authority to process alleged violations of the JCEERA as unfair practice charges. The proposed amendment to the text of subdivision (a) provides that

alleged violations of JCEERA will also be processed as unfair practice charges. Subdivision (c) of this section provides that alleged violations by an employer or exclusive representative of the public notice requirements set forth in Government Code sections 3523, 3547, 3547.5, 3595, and Public Utilities Code section 99569 will be processed as unfair practice charges and may be filed by any affected member of the public. The proposed amendment to the text of subdivision (c) extends the application of this subdivision to the JCEERA by adding a reference to Government Code section 3524.78, which sets forth public notice requirements under the JCEERA.

Section 32620 concerns the processing of unfair practice charges by Board agents. Subdivision (b)(5), in part, prohibits the issuance of a complaint where the conduct alleged to violate the applicable Act is also prohibited by the parties' written agreement, until the grievance machinery or other remedies have been exhausted under Government Code sections 3514.5 (Dills Act), 3541.5 (EERA), 3563.2 (HEERA), 71639.1(c) (Trial Court Act), 71825(c) (Court Interpreter Act), or Public Utilities Code section 99561.2 (TEERA). The proposed amendment to the text of subdivision (b) (5) extends the application of this subdivision to the JCEERA by adding a reference to Government Code section 3524.55.

Section 32661 concerns the filing of repugnancy claims regarding unfair practice charge cases that were deferred to arbitration because the dispute was covered by the parties' written agreement. 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 proposed amendment to the text of subdivision (a) extends the application of this subdivision to the JCEERA by adding a reference to Government Code section 3524.55(a)(2).

Section 32720 concerns when an election will be conducted in representation matters under EERA, the Dills Act, HEERA, and TEERA. The proposed amendment to the text of this section adds a reference to proposed Chapter 10, Subchapter 1, which implements representation procedures for the JCEERA.

Section 32721 defines the term "parties" in representation matters under EERA, the Dills Act, HEERA, and TEERA. The proposed amendment to the text of this section extends the definition of "parties" to include employees, employee organizations, and the Judicial Council employer in representation matters arising under the JCEERA.

Section 32754 concerns when the Board must dismiss a petition requiring a representation election. Under EERA, the Dills Act, HEERA, and TEERA, 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. Proposed subdivision (e) includes language to ensure that the contract bar and certification bar apply to representation petitions arising under the JCEERA.

Section 32772 provides for notification to employees in a voting unit of a decertification petition. Subdivision (c) sets forth the time that a notice of decertification petition must be posted. The proposed amendment to the text of subdivision (c) includes language requiring a notice of a decertification petition filed under the JCEERA to be posted for a minimum of 20 days.

Section 32776 concerns the Board's procedure for investigating decertification petitions. The Board must dismiss a decertification petition under EERA, the Dills Act, HEERA, and TEERA 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.

Proposed subdivision (g) includes language to ensure that the contract bar and certification bar apply to petitions for decertification filed under the JCEERA. Proposed subdivision (h) (formerly subdivision (g)), defines "window period." The proposed amendment to the text of this subdivision adds a reference to proposed Section 95000, which defines the "window period" for matters filed under the JCEERA.

Section 32781 provides a procedure for the filing of petitions to modify existing employee units and the manner in which employee units may be modified. Subdivision (b)(1) permits, in relevant part, the deletion of classifications or positions that are not covered by TEERA, EERA, HEERA, or the Dills Act. The proposed amendment to the text of subdivision (b)(1) adds a reference to the JCEERA to extend the application of this subdivision to the JCEERA. Subdivision (b)(4) permits, in relevant part, the deletion of classifications or positions not subject to subdivision (b)(1), that are not covered by TEERA, EERA, HEERA, or the Dills Act. The proposed amendment to the text of subdivision (b)(4) adds a reference to the JCEERA to extend the application of this subdivision to the JCEERA. Subdivision (b)(4)(C) provides for the filing of unit modification petitions under subdivision (b)(4), provided that the petition is filed during the “window period” as defined for EERA, the Dills Act, HEERA, and TEERA. The proposed amendment to the text of subdivision (b)(4)(C) adds a reference to proposed Section 95000, which defines the “window period” for matters filed under the JCEERA.

Section 32792 concerns the procedures for parties to request the Board determine the existence of impasse and appointment of a mediator. Subdivision (a) makes clear that this Section applies only to the Dills Act, EERA, and HEERA. The proposed amendment to the text of subdivision (a) adds a reference to the JCEERA to extend the application of this subdivision to the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 Legislature’s extension of the Board’s responsibilities to include jurisdiction over matters arising under the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

Section 32090 provides a definition for the term “e-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 the JCEERA.

Section 32091 provides a definition for the term “electronic 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 the JCEERA.

Section 32092 provides a definition for the term “electronic signatures” and when documents are determined to be electronically signed. 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 the JCEERA.

Section 32093 provides a definition for the term “electronic service” where authorized or required by statute or within 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 the JCEERA.

Section 32094 provides a definition for the term “filed” as the term is used for the formal submission of documents 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 the JCEERA.

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 the JCEERA.

Section 32110 sets forth the requirements that govern the way parties electronically file documents with PERB through ePERB, as that term is defined by section 32090. 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 the JCEERA.

Section 32111 authorizes the Board to direct parties to use electronic means to post and thereby notify remote workers that a representation petition has been filed. 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 the JCEERA.

Section 32125 describes the filing requirements for documents with confidential information. 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 the JCEERA.

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 the JCEERA.

Section 32135 concerns filing requirements for non-electronic filings. 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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

Section 32143 concerns the placement of PERB cases in abeyance. 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 the JCEERA.

Section 32145 concerns the waiver of time period requirements to expedite a matter. 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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

Section 32164 concerns an application for joinder of parties. 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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

Section 32170 concerns the 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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

Section 32180 concerns the rights of 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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

ities to include jurisdiction over matters arising under the JCEERA.

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 the JCEERA.

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 the JCEERA.

Section 32209 concerns 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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 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 the JCEERA.

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 the JCEERA.

Section 32312 provides for the filing of a reply brief in support of 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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

Section 32370 concerns requests for a stay following an appeal. 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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 include jurisdiction over matters arising under the JCEERA.

Section 32470 concerns the authority of the General Counsel regarding 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 the JCEERA.

Section 32500 concerns procedures for requesting judicial review of a decision in a representation case. 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 the JCEERA.

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 the JCEERA.

Section 32615 concerns the information required to be included in an unfair practice charge. 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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

Section 32650 concerns the conduct of 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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

Section 32700 concerns the requirements for valid proof of employee support in representation proceedings. 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 the JCEERA.

Section 32722 concerns the preparation 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 the JCEERA.

Section 32724 concerns service on the parties of a Directed Election Order or Consent Election Agreement regarding the conduct of an election, and notification to employees in a voting unit 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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

Section 32732 concerns challenges to 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 the JCEERA.

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 Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the JCEERA.

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 the JCEERA.

Section 32736 provides for a runoff election when no ballot choice receives a majority of votes. The pro-

posed 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 the JCEERA.

Section 32738 concerns party 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 the JCEERA.

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 the JCEERA.

Section 32740 concerns the withdrawal of 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 the JCEERA.

Section 32742 provides for hearing procedures to resolve objections to the conduct of an election or challenges to 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 the JCEERA.

Section 32744 provides the procedure for parties to 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 the JCEERA.

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 the JCEERA.

Section 32748 permits a 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 the JCEERA.

Section 32750 concerns the certification of results of an election or certification of an 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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

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 the JCEERA.

Section 32763 concerns the Board's investigation 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 the JCEERA.

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 the JCEERA.

Section 32774 concerns the process for the Board to determine proof of employee support for 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 the JCEERA.

Section 32783 concerns the filing of responses to petitions for unit modification. 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 the JCEERA.

Section 32784 provides the process by which the Board will determine proof of employee support for petitions for unit modification. 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 the JCEERA.

Section 32786 concerns the Board's investigation and disposition of a petition for unit modification. 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 the JCEERA.

Section 32791 provides for the selection by the parties of a mediator. 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 the JCEERA.

Section 32793 concerns the procedure for the Board to determine the existence of impasse. 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 the JCEERA.

Section 32795 concerns subsequent requests by parties to the Board to determine the existence of impasse and appointment of a mediator after the Board's determination that an impasse does not exist. 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 the JCEERA.

Section 32980 concerns 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 the JCEERA.

For more information regarding specific proposed regulations or amendments to the existing regulations, please refer to the proposed regulatory language.

CONSISTENT AND COMPATIBLE WITH EXISTING STATE REGULATIONS

The Board has determined that the proposed regulatory adoptions and amendments are not inconsistent or incompatible with existing regulations. After conducting a review of all regulations that would relate to or affect this area of California law, the Board has determined that due to PERB's exclusive jurisdiction to implement and enforce the JCEERA and other acts within its jurisdiction, the proposed regulations are the only regulations concerning the implementation of the JCEERA. Therefore, the Board has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

JCEERA's implementation affects hundreds of employees of the Judicial Council for purposes of collective bargaining, the employee organizations that represent these employees, and the Judicial Council. The proposed regulatory changes will implement the Board's jurisdiction over matters arising under the JCEERA and will extend the application of PERB's existing unfair practice procedures to alleged violations of the JCEERA. Because PERB's unfair practice charge process is well-established, the application of these existing procedures will aid in the expedient resolution of disputes arising under the JCEERA, in furtherance of the policies underlying the act. The proposed regulations will also extend existing regulations and add new procedures for the filing and processing of representation petitions and unit determinations arising under the JCEERA, and for conducting elections. The proposed regulations will ensure that the procedural and substantive rights of Judicial Council employees, employee organizations, and the Judicial Council, provided by the JCEERA will be protected. 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 the Judicial Council and its employees provide to California communities.

NO EXISTING AND COMPARABLE FEDERAL REGULATION OR STATUTE

During the process of developing these proposed regulatory adoptions and amendments, the Board has conducted a search for any similar federal regulations and statutes on this topic and has determined that there are no existing, comparable federal regulations or statutes that govern matters arising under the JCEERA, as these proposed regulatory changes apply solely to the Judicial Council, a public employer, public employees of the Judicial Council, and employee organizations representing Judicial Council employees. The Board has also determined that there are no existing, comparable federal regulations or statutes that govern the rights of parties in PERB hearings and the forum for such hearings. Therefore, the Board has concluded that these regulations are neither inconsistent nor incompatible with existing Federal regulations or statutes.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: The proposed action would not impose any new mandate.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 et seq.: The proposed action would not impose any new costs which must be reimbursed.

Other non-discretionary cost or savings imposed upon local agencies: The proposed action would not result in any new costs which must be reimbursed, or savings imposed upon local agencies.

Cost or savings to state agency: The proposed action would not result in any new costs or savings.

Cost or savings in federal funding to the state: The proposed action would not result in any new costs or savings.

Cost impact on private persons or directly affected 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 on business including the ability of California businesses to compete with businesses in other states: The proposed action will have no impact.

Significant effect on housing costs: There will be no effect on housing costs.

Business Reporting Requirement: The proposed action will not require a report to be made.

The proposed regulations will not affect small business because the proposed regulations will only affect

a public employer, public employees, and public employee organizations.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board concludes that the adoption of the proposed regulations and amendments will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses, or create or expand businesses in the State of California.

BENEFIT ANALYSIS

The adoption of these proposed regulations will implement procedures for PERB's administration and enforcement of the JCEERA. The adoption of these proposed regulations will benefit Judicial Council employees, Judicial Council employees' representatives, the Judicial Council, and the community at-large by facilitating the expedient resolution of public sector labor disputes by clarifying PERB's procedures and making the Board's processes more transparent and accessible when disputes arise under the JCEERA. The guidance provided to parties by the proposed regulations and amendments will aid PERB in its implementation of the JCEERA. In so doing, California residents' welfare will receive the benefit of stable collective bargaining and dispute resolution, which translates to continuous delivery of the important services that the Judicial Council and its employees provide to California communities. The proposed regulations are not expected to affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), 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 scheduled hearing or during the written comment period.

CONTACT PERSONS

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

Ronald Pearson, Supervising Regional Attorney
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811
(916) 591-3166
E-mail: ronald.pearson@perb.ca.gov

The backup person for these inquiries is:

James Coffey, Senior Regional Attorney
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811
(916) 584-5676
E-mail: james.coffey@perb.ca.gov

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, to Ronald Pearson at the above address.

PRELIMINARY ACTIVITIES

On April 11, 2019, PERB held a public meeting wherein the public was given the opportunity to provide comments regarding the implementation of the JCEERA and the proposed text of the regulations. On April 11, 2019, the Board itself approved the publication of the proposed regulatory text and the commencement of the formal rulemaking process. PERB has also relied upon the Economic Impact Assessment identified in this notice in proposing regulatory action.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the express terms of the proposed regulations and the initial statement of reasons. Copies of these documents may be obtained by contacting Ronald Pearson at the above address, and are also available on the Board's web site at www.perb.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a hearing, if one is requested, and considering all timely and relevant comments, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications 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 as revised. Requests for copies of any modified regulations and/or the final statement of reasons should be sent to the attention of Ronald Pearson at the above address. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by contacting Ronald Pearson at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this notice of proposed action, the initial statement of reasons, and the text of the proposed regulations in underline and strikeout, can be accessed through PERB's web site located at www.perb.ca.gov throughout the rulemaking process. Written comments received during the written comment period will also be posted on PERB's web site. The final statement of reasons or, if applicable, notice of a decision not to proceed will be posted on PERB's website following the Board's action.

TITLE 10. DEPARTMENT OF INSURANCE

SEPTEMBER 1, 2022 WORKERS' COMPENSATION INSURANCE RATING RULES FILING

March 18, 2022 File Number REG-2022-00006

Notice is given that a public hearing will be held in response to a filing by the Workers' Compensation Insurance Rating Bureau of California ("WCIRB"), submitted on February 28, 2022. The WCIRB proposes amendments to the Insurance Commissioner's Regulations pertaining to the Classification of Risks, Recording and Reporting of Data, Statistical Reporting and Experience Rating to be effective September 1, 2022, as follows:

- Approval of proposed amendments to the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995* as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.
- Approval of proposed amendments to the *Miscellaneous Regulations for the Recording and*

Reporting of Data — 1995 as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.

- Approval of proposed amendments to the *California Workers' Compensation Experience Rating Plan — 1995* as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.

HEARING

Public Hearing Date and Location

A virtual public hearing will be conducted to permit all interested persons the opportunity to present statements or arguments, verbally or in writing, with respect to the matters proposed in the WCIRB's filing, at the following date, time and place:

April 26, 2022 — 10:00 a.m.
California Department of Insurance

TO ATTEND VIRTUAL HEARING VIA ONLINE PLATFORM

Link to Register for the Web-based Virtual Format:

https://us06web.zoom.us/webinar/register/WN_-4Kw8fifT5uWtv_BFYtaTQ

Meeting Name:

September 1, 2022 Workers' Compensation
Insurance Classification and Rating Rules

TO ATTEND VIRTUAL HEARING BY TELEPHONE

To join by telephone dial:

USA 215 446 3649 US Toll
USA 888 557 8511 US Toll-free
Conference code: 832767

Any interested person(s) may present oral testimony at the virtual web conference hearing during the public comment period. Participants will be given instructions on how to provide testimony once they have accessed the hearing.

Individuals attending the virtual hearing via the online platform must register with the virtual web conference provider using a valid e-mail address in order to attend the hearing.

Individuals attending the virtual hearing by telephone only will not be able to view the hearing, and will be placed on mute. Telephonic attendees who wish to make oral comments at the public hearing must, either in advance or at the time of the hearing, notify the Department by e-mail to: CDIRegulations@

insurance.ca.gov and provide the telephone number that they will use at the hearing so that the hearing officers can identify those callers who would like to comment.

The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.

Access to Virtual Public Hearing

This hearing will be open to the public. To make it possible to view and participate in the public hearing online, you must register with the web-based virtual conferencing application identified above, using a valid e-mail address. We request that you provide your name(s), the name of the organization you represent, and your contact information, including email address. Providing personally identifiable information is not required to attend the hearing and all attendees are invited to participate regardless of whether such information has been provided. Alternatively, you may attend and participate telephonically. We request that if you wish to provide oral comments telephonically, that you e-mail us either in advance of or at the time of the hearing and provide the telephone number you will use at the hearing.

The public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for this hearing (listed below) in order to make specific arrangements, if necessary.

WRITTEN COMMENT PERIOD

Presentation of Written or Oral Comments; Contact Persons

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at **5:00 p.m. on Tuesday, April 26, 2022**. Please direct all written comments to the following contact person:

Brentley Yim, Attorney
California Department of Insurance
1901 Harrison Street, 4th Floor
Oakland, CA 94612
Telephone: (415) 538-4113
brentley.yim@insurance.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If he is unavailable, inquiries may be addressed to the following backup contact person:

Yvonne Hauscarriague, Attorney
California Department of Insurance
1901 Harrison Street, 6th Floor
Oakland, CA 94612
Telephone: (415) 538-4417
yvonne.hauscarriague@insurance.ca.gov

Please note that under the California Public Records Act (Government Code Section 6250, et seq.), your written and oral comments, and associated contact information (e.g., your address, phone number, e-mail, etc.) become part of the public record and can be released to the public upon request.

Deadline for Written Comments

All written materials must be received by the Insurance Commissioner, addressed to the contact person at the address listed above, no later than **5:00 p.m. on Tuesday, April 26, 2022**. Any written materials received after that time may not be considered.

Comments Transmitted by E-Mail or Facsimile

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: brentley.yim@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Brentley Yim and sent to the following facsimile number: (415) 904-5490. **Comments sent to e-mail addresses or facsimile numbers other than those designated in this notice will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

PROCEEDINGS NOT SUBJECT TO ADMINISTRATIVE PROCEDURE ACT

The regulations contained in the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995*, the *Miscellaneous Regulations for the Recording and Reporting of Data — 1995*, and the *California Workers' Compensation Experience Rating Plan — 1995* pertain to the establishment of workers' compensation insurance rates. Government Code Section 11340.9(g) states that the Administrative Procedure Act [Chapter 3.5 of the Government Code] shall not apply to regulations that establish or fix rates, prices, or tariffs, and the Office of Administrative Law has determined that these regulations are excluded from the requirements of the Administrative Procedure Act.

This Notice and any accompanying documents are being offered by the Commissioner to obtain written public comment before the Commissioner determines whether to approve the amendments to these regulations. The Commissioner shall issue an Order regarding his determination pursuant to Insurance Code Section 11734.

AUTHORITY AND REFERENCE

Uniform Plans and Regulations

The workers' compensation classification of risks and statistical reporting rules are set forth in Title 10, California Code of Regulations, Section 2318.6. The miscellaneous regulations for the recording and reporting of data are set forth in Title 10, California Code of Regulations, Section 2354. The workers' compensation experience rating regulations are set forth in Title 10, California Code of Regulations, Section 2353.1. These regulations are promulgated by the Insurance Commissioner pursuant to the authority granted by Insurance Code Section 11734.

INFORMATIVE DIGEST

Pursuant to Insurance Code Sections 11734 and 11751.5, the Insurance Commissioner has designated the WCIRB as his statistical agent. As the designated statistical agent, the WCIRB collects insurer data and recommends revisions to the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995*; the *Miscellaneous Regulations for the Recording and Reporting of Data — 1995*; and the *California Workers' Compensation Experience Rating Plan — 1995* for approval. Adherence to the regulations contained in the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995*, the *Miscellaneous Regulations for the Recording and Reporting of Data — 1995*, and the *California Workers' Compensation Experience Rating Plan — 1995* is mandatory for insurers. However, Insurance Code Section 11734 provides that an insurer may develop its own classification system if it is filed with the Insurance Commissioner 30 days prior to its use and is not disapproved by the Insurance Commissioner for failure to demonstrate that the data produced by the insurer's classification system can be reported consistently with the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995* or the standard classification system developed by the WCIRB and approved by the Insurance Commissioner.

The amendments to the *California Workers' Compensation Uniform Statistical Reporting Plan — 1995*, the *Miscellaneous Regulations for the Recording and Reporting of Data — 1995*, and the *California Workers' Compensation Experience Rating Plan — 1995* are summarized below.

Amendments to the California Workers' Compensation Uniform Statistical Reporting Plan — 1995, Title 10, California Code of Regulations, Section 2318.6, Effective September 1, 2022

1. Amend Part 1, *General Provisions*, Section I, *Introduction*, Rule 3, *Effective Date*, to show that the effective date of the amended Uniform Sta-

tistical Reporting Plan is 12:01 AM, September 1, 2022.

2. Amend Part 1, Section V, *Inquiries, Complaints and Requests for Action, Reconsideration and Appeals*, Rule 3, *Complaints and Requests for Action*, to update the WCIRB's mailing address.
3. Amend Part 2, *Policy Reporting Requirements*, Section III, *Reporting Requirements*, Rule 1, *Header Record (Record 01)*, Subrule a, *Legal Nature of Insured Code*, for consistency with the Workers Compensation Insurance Organizations' (WCIO) Workers Compensation Policy Reporting Specifications (WCPOLS).
4. Amend Part 3, *Standard Classification System*, Section III, *General Classification Procedures*, Rule 4, *Standard Exceptions*, Subrule c, *Standard Exception Classification Procedures*, for consistency with previously approved changes.
5. Amend Part 3, Section III, Rule 5, *General Inclusions*, Subrule k, and Rule 6, *General Exclusions*, Subrule g, for consistency with previously approved changes, and eliminate Rule 7, *Coronavirus Disease 2019 (COVID-19)* as the rule is no longer necessary.
6. Amend Part 3, Section IV, *Special Industry Classification Procedures*, to (1) revise Rule 2, *Construction or Erection Work*, and Rule 8, *Labor Contractors*, for clarity and consistency with previously approved changes, and (2) eliminate Rule 5, *Mining*, as these procedures are no longer necessary because the rules specific to mining are either no longer relevant or are redundant with general rules contained in the USRP.
7. Amend Part 3, Section V, *Payroll — Remuneration*, Rule 1, *Payroll — Remuneration*, Subrule j, *Executive Officers*, Subrule k, *Partners*, Subrule l, *Individual Employers*, and Subrule m, *Members of a Limited Liability Company*, to adjust the minimum and maximum payroll limitations for executive officers, partners, individual employers and members of a limited liability company to reflect wage inflation since the minimum and maximum payroll limitations were last amended in 2021.
8. Amend Part 3, Section VI, *Administration of Classification System*, Rule 1, *Inspection of Employer's Premises*, to update the WCIRB's mailing address.
9. Amend Part 3, Section VII, *Standard Classifications*, Rule 1, *Classification Section*, subrule a, *Industry Groups*, for consistency with other industry group naming conventions and to eliminate Mining from the list of industry groups as it is no longer necessary with the elimination of Classifications 1123 and 1124, resulting in some

mining operations falling outside of this industry grouping, and leaving only two mining classifications remaining.

10. Amend Part 3, Section VII, *Standard Classifications*, Rule 2, *Standard Classifications*, as follows:

- Amend Classification 3805(1), *Aircraft Engine Manufacturing (Mfg.) or Rebuilding*, to clarify the intended application and provide direction as to how related operations should be classified.
- Amend Classification 7410, *Aircraft Operation — agricultural — dusting, spraying or seeding — not members of the flying crew*, which is part of the Aircraft Operation Industry Group, for consistency with previously approved changes.
- Amend Classification 7428(1), *Aircraft Operation — other than agricultural or scheduled air carriers — not members of the flying crew*, which is part of the Aircraft Operation Industry Group, for consistency with previously approved changes.
- Amend Classification 3830(1), *Aircraft or Spacecraft Mfg.*, to provide direction as to how related operations should be classified.
- Amend Classification 7428(3), *Aircraft Remanufacture, Conversion, Modification and Repair Companies*, to clarify the intended application and provide direction as to how related operations should be classified.
- Amend Classification 9016(1), *Amusement or Recreational Facilities — N.O.C. — all employees other than those engaged in the operation or maintenance of amusement devices, restaurants or retail stores*, for consistency with other proposed changes.
- Amend Classification 9180(1), *Amusement or Recreational Facilities — N.O.C. — operation or maintenance of amusement devices — including ticket collectors connected therewith*, for clarity and consistency with other proposed changes.
- Amend Classification 9181, *Athletic Teams or Athletic Facilities — players, umpires, referees and game officials*, to increase the annual payroll limitation for players from \$144,300 to \$149,500 per player per season to reflect wage inflation since the payroll limitation was last amended in 2021.
- Amend Classification 7607(2), *Audio Post-Production*, to increase the annual payroll limitation from \$144,300 to \$149,500 per

person to reflect wage inflation since the payroll limitation was last amended in 2021.

- Amend the cross-reference for Classification 3681(4), *Audio/Video Electronic Products Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Establish a new cross-reference for Classification 8874(4), *Audio/Video Electronic Products Mfg. — hardware or software design or development*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Amend Classification 8803, *Auditing, Accounting or Management Consulting Services*, to increase the annual payroll limitation from \$144,300 to \$149,500 per person to reflect wage inflation since the payroll limitation was last amended in 2021.
- Amend Classifications 5185/5186, *Automatic Sprinkler Installation*, to increase the hourly wage threshold from \$29.00 to \$32.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classification 3828, *Automobile or Truck Parts Rebuilding*, which is part of the Automotive Industry Group, to provide direction as to how related operations should be classified.
- Amend Classification 8388, *Rubber Tire Dealers*, which is part of the Automotive Industry Group, to clarify the intended application and provide direction as to how related operations should be classified.
- Amend Classification 8808, *Banks*, to limit an employee's annual payroll to \$149,500.
- Amend Classification 4512, *Biomedical Research Laboratories*, to include Clerical Office Employees and Clerical Telecommuter Employees.
- Amend Classification 8232(2), *Building Material Dealers*, to (1) include the sale of stone materials, stone slabs or fabricated stone products, and the sale of countertops, (2) provide direction to separately classify employees engaged in cashiering operations or selling, stocking, handling or delivering store merchandise when the sale of store merchandise at a single location exceeds 25% of gross receipts, (3) provide direction as to how related operations should be classified, and (4) for clarity.
- Amend Classification 9185, *Carnivals or Circuses*, to reassign circus operations to

Classifications 9154, *Theaters — not motion picture*, and 9156, *Theaters — dance, opera or theater companies*.

- Amend Classifications 5403/5432, *Carpentry*, to increase the hourly wage threshold from \$35.00 to \$39.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classification 8850, *Check Cashers*, for consistency with previously approved changes.
- Amend Classification 8840, *Churches, Temples, Mosques and Synagogues — clergy, professional assistants, organists or members of choir*, to clarify the intended application, provide direction as to how related operations should be classified and for consistency with previously approved changes.
- Amend the cross-reference for Classification 9011(2), *Commercial and Residential Mixed-Use Building Operation — not Homeowners Associations — all other employees*, for consistency with previously approved changes.
- Amend Classifications 5195, *Communications Cabling*, to clarify the intended application and provide direction as to how related operations should be classified.
- Amend the cross-reference for Classification 3070, *Computer Memory Disk Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Amend the cross-reference for Classification 3681(2), *Computer or Computer Peripheral Equipment Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Establish a new cross-reference for Classification 8874(2), *Computer or Computer Peripheral Equipment Mfg. — hardware or software design or development*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Amend Classification 8859(1), *Computer Programming or Software Development*, to increase the annual payroll limitation from \$144,300 to \$149,500 per person to reflect wage inflation since the payroll limitation was last amended in 2021.
- Amend Classifications 5201(2)/5205(2), *Concrete or Cement Work — pouring or finishing of concrete floor slabs, poured in place and on the ground, and concrete slab-type foundations, for other than concrete buildings or structural steel buildings of multi-story construction*, to increase the hourly wage threshold from \$28.00 to \$32.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classifications 5201(1)/5205(1), *Concrete or Cement Work — pouring or finishing of concrete sidewalks, driveways, patios, curbs or gutters*, to increase the hourly wage threshold from \$28.00 to \$32.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classification 6325, *Conduit Construction or Underground Wiring*, to clarify the intended application and provide direction as to how related operations should be classified.
- Amend Classification 0401, *Cotton Gin Operation — during both active and dormant seasons*, for consistency with other proposed changes.
- Amend Classification 8801, *Credit Unions*, to limit an employee's annual payroll to \$149,500.
- Amend Classification 6011, *Dam Construction*, for consistency with other proposed changes.
- Amend Classification 4692, *Dental Laboratories*, for consistency with other proposed changes.
- Amend the cross-reference for Classification 8839, *Dentists and Dental Surgeons*, for consistency with other proposed changes.
- Amend Classification 7721(1), *Detective or Private Investigative Agencies*, to provide direction as to how related operations should be classified.
- Amend Classification 2589(2), *Dry Cleaning — N.O.C.*, to clarify the intended application and provide direction as to how related operations should be classified.
- Amend Classification 2589(1), *Dry Cleaning or Laundry*, to clarify the intended application and provide direction as to how related operations should be classified.
- Amend Classification 2585(2), *Dyeing*, to clarify the intended application and provide direction as to how related operations should be classified.
- Amend the cross-reference for Classification 3643(2), *Electric Control Panel or*

- Switchgear Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Amend the cross-reference for Classification 3643(1), *Electric Power or Transmission Equipment Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
 - Amend the cross-reference for Classification 3179, *Electrical Apparatus Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
 - Amend the cross-reference for Classification 3568, *Electrical Connector Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
 - Amend the cross-reference for Classification 3651, *Electrical Wire Harness Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
 - Amend Classifications 5190/5140, *Electrical Wiring*, to clarify the intended application, provide direction as to how related operations should be classified and increase the hourly wage threshold from \$32.00 to \$34.00 per hour to reflect wage inflation since the threshold was last amended in 2018.
 - Amend the cross-reference for Classification 3178, *Electronic Element Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
 - Amend Classification 3681(4), *Audio/Video Electronic Products Mfg.*, which is part of the Electronics Industry Group, to reference the corresponding proposed companion Classification 8874(4), *Audio/Video Electronic Products Mfg. — hardware or software design or development*, and for consistency with other proposed changes.
 - Establish Classification 8874(4), *Audio/Video Electronic Products Mfg. — hardware or software design or development*, as a companion classification in the Electronics Industry Group to apply to hardware or software design or development and clerical office or outside sales operations performed in connection with manufacturing operations assigned to Classification 3681(4), *Audio/Video Electronic Products Mfg.*, direct that the maximum payroll amount be prorated based upon the number of weeks in the policy period when the policy is in force for less than a 12-month period and limit an employee's annual payroll to \$149,500.
 - Amend Classification 3681(2), *Computer or Computer Peripheral Equipment Mfg.*, which is part of the Electronics Industry Group, to reference the corresponding proposed companion Classification 8874(2), *Computer or Computer Peripheral Equipment Mfg. — hardware or software design or development*, and for consistency with other proposed changes.
 - Establish Classification 8874(2), *Computer or Computer Peripheral Equipment Mfg. — hardware or software design or development*, as a companion classification in the Electronics Industry Group to apply to hardware or software design or development and clerical office or outside sales operations performed in connection with manufacturing operations assigned to Classification 3681(2), *Computer or Computer Peripheral Equipment Mfg.*, direct that the maximum payroll amount be prorated based upon the number of weeks in the policy period when the policy is in force for less than a 12-month period and limit an employee's annual payroll to \$149,500.
 - Amend Classification 3643(1), *Electric Power or Transmission Equipment Mfg.*, which is part of the Electronics Industry Group, to provide direction as to how related operations should be classified.
 - Amend Classification 3681(1), *Instrument Mfg.*, which is part of the Electronics Industry Group, to reference the corresponding proposed companion Classification 8874(1), *Instrument Mfg. — electronic — professional or scientific — hardware or software design or development*, and for consistency with other proposed changes.
 - Establish Classification 8874(1), *Instrument Mfg. — electronic — professional or scientific — hardware or software design or development*, as a companion classification in the Electronics Industry Group to apply to hardware or software design or development and clerical office or outside sales operations performed in connection with manufacturing operations assigned to Classification 3681(1), *Instrument Mfg. — electronic — professional or scientific*, direct that the maximum payroll amount be prorated based upon the number of weeks in the policy period when the policy is in force for less than a 12-month period and limit an employee's annual payroll to \$149,500.
 - Amend Classification 4112, *Integrated*

Circuit and Semiconductor Wafer Mfg., which is part of the Electronics Industry Group, to reference the corresponding proposed companion Classification 8874(5), *Integrated Circuit and Semiconductor Wafer Mfg. — hardware or software design or development*, and for consistency with other proposed changes.

- Establish Classification 8874(5), *Integrated Circuit and Semiconductor Wafer Mfg. — hardware or software design or development*, as a companion classification in the Electronics Industry Group to apply to hardware or software design or development and clerical office or outside sales operations performed in connection with manufacturing operations assigned to Classification 4112, *Integrated Circuit and Semiconductor Wafer Mfg.*, direct that the maximum payroll amount be prorated based upon the number of weeks in the policy period when the policy is in force for less than a 12-month period and limit an employee's annual payroll to \$149,500.
- Amend Classification 3681(3), *Telecommunications Equipment Mfg.*, which is part of the Electronics Industry Group, to reference the corresponding proposed companion Classification 8874(3), *Telecommunications Equipment Mfg. — hardware or software design or development*, and for consistency with other proposed changes.
- Establish Classification 8874(3), *Telecommunications Equipment Mfg. — hardware or software design or development*, as a companion classification in the Electronics Industry Group to apply to hardware or software design or development and clerical office or outside sales operations performed in connection with manufacturing operations assigned to Classification 3681(3), *Telecommunications Equipment Mfg.*, direct that the maximum payroll amount be prorated based upon the number of weeks in the policy period when the policy is in force for less than a 12-month period and limit an employee's annual payroll to \$149,500.
- Amend Classification 8601(1), *Engineers*, to limit an employee's annual payroll to \$149,500.
- Amend Classification 9095, *Event Market, Festival or Trade Show Operation*, for clarity and consistency with other proposed

changes.

- Amend Classifications 6218(1)/6220(1), *Excavation — N.O.C.*, to increase the hourly wage threshold from \$34.00 to \$39.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classification 1624(2), *Excavation — rock*, for consistency with other proposed changes.
- Eliminate Classification 0044, *Cotton Farms*, which is part of the Farms Industry Group, as its advisory pure premium rate has reached alignment with that of Classification 0171, *Field Crops*, after combining for ratemaking purposes due to low statistical credibility, and reassign the operations to Classification 0171.
- Amend Classification 0171, *Field Crops*, which is part of the Farms Industry Group, to clarify that it includes the cultivation and harvesting of cotton as Classification 0044, *Cotton Farms*, is being eliminated, and provide direction as to how related operations should be classified.
- Amend Classification 0172, *Truck Farms*, which is part of the Farms Industry Group, for consistency with other proposed changes.
- Amend Classification 2163, *Bottling*, which is part of the Food Packaging and Processing Industry Group, to remove the reference to the General Inclusions rule, clarify the intended application and provide direction as to how related operations should be classified.
- Amend Classification 2121, *Breweries*, which is part of the Food Packaging and Processing Industry Group, to remove the reference to the General Inclusions rule.
- Amend Classification 2063, *Dairy Products or Ice Mfg.*, which is part of the Food Packaging and Processing Industry Group, to remove the reference that can manufacturing should be separately classified and provide direction as to how related operations should be classified.
- Amend Classification 2142(2), *Distilling — N.O.C.*, which is part of the Food Packaging and Processing Industry Group, to remove the reference that bottle manufacturing should be separately classified.
- Amend Classification 2113, *Fish or Seafood Products Mfg. — including packaging*, which is part of the Food Packaging and Processing Industry Group, to remove the

references that can manufacturing and rendering of fish oil should be separately classified.

- Amend Classification 2116, *Fruit or Vegetable Juice or Concentrate Mfg.*, which is part of the Food Packaging and Processing Industry Group, to remove the reference that bottle or can manufacturing should be separately classified, clarify the intended application and provide direction as to how related operations should be classified.
- Amend Classification 2111(3), *Fruit or Vegetable Pickling*, which is part of the Food Packaging and Processing Industry Group, to clarify the intended application, provide direction as to how related operations should be classified and for consistency with other proposed changes.
- Amend Classification 2111(1), *Fruit or Vegetable Preserving*, which is part of the Food Packaging and Processing Industry Group, to remove the reference that can manufacturing should be separately classified, provide direction as to how related operations should be classified and for consistency with other proposed changes.
- Amend Classification 2117, *Fruit or Vegetable Processing — frozen*, which is part of the Food Packaging and Processing Industry Group, to remove the reference that can manufacturing should be separately classified and for consistency with other proposed changes.
- Amend Classification 2095, *Meat Products Mfg.*, which is part of the Food Packaging and Processing Industry Group, to remove the reference that can manufacturing should be separately classified and for consistency with other proposed changes.
- Amend Classification 0096, *Nut Hulling, Shelling or Processing*, which is part of the Food Packaging and Processing Industry Group, to provide direction as to how related operations should be classified.
- Amend Classification 2111(2), *Olive Handling — sorting, curing and canning*, which is part of the Food Packaging and Processing Industry Group, to clarify the intended application, remove the reference that can manufacturing should be separately classified and for consistency with other proposed changes.
- Amend Classification 2142(3), *Vinegar Mfg.*, which is part of the Food Packaging and Processing Industry Group, to remove the

reference that bottle manufacturing should be separately classified.

- Amend Classification 4831, *Vitamin or Dietary Supplement Mfg.*, which is part of the Food Packaging and Processing Industry Group, to remove the reference that container manufacturing is included in the classification and for clarity.
- Amend Classification 2142(1), *Wineries*, which is part of the Food Packaging and Processing Industry Group, to remove the reference that bottle manufacturing should be separately classified and for consistency with other proposed changes.
- Amend Classification 8601(4), *Forest Engineers*, to limit an employee's annual payroll to \$149,500 and clarify the intended application.
- Amend Classifications 6315(2)/6316(2), *Gas Mains or Connections Construction*, to increase the hourly wage threshold from \$34.00 to \$39.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classifications 5467/5470, *Glaziers*, to increase the hourly wage threshold from \$33.00 to \$36.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classifications 6218(2)/6220(2), *Grading Land*, to increase the hourly wage threshold from \$34.00 to \$39.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classification 8839, *Dentists and Dental Surgeons*, which is part of the Health and Human Services Industry Group, to clarify the intended application and provide direction as to how related operations should be classified.
- Amend Classification 8827(2), *Nursing Care*, to clarify the intended application.
- Amend Classifications 5538(2)/5542(2), *Heating or Air Conditioning Ductwork*, to increase the hourly wage threshold from \$27.00 to \$29.00 per hour to reflect wage inflation since the threshold was last amended in 2014.
- Amend Classifications 5183(3)/5187(3), *Heating or Air Conditioning Equipment*, to increase the hourly wage threshold from \$28.00 to \$31.00 per hour to reflect wage inflation since the threshold was last amended in 2020.

- Amend Classification 8720(1), *Inspection for Insurance, Safety or Valuation Purposes*, to provide direction as to how related operations should be classified and for consistency with previously approved changes.
- Establish a new cross-reference for Classification 8874(1), *Instrument mfg. — electronic — professional or scientific — hardware or software design or development*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Amend the cross-reference for Classification 3681(1), *Instrument Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Amend Classification 8822, *Insurance Companies*, to limit an employee's annual payroll to \$149,500.
- Amend the cross-reference for Classification 4112, *Integrated Circuit and Semiconductor Wafer Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Establish a new cross-reference for Classification 8874(5), *Integrated Circuit and Semiconductor Wafer Mfg. — hardware or software design or development*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Amend Classification 8859(2), *Internet or Web-Based Application Development or Operation*, to increase the annual payroll limitation from \$144,300 to \$149,500 per person to reflect wage inflation since the payroll limitation was last amended in 2021.
- Amend Classification 5102, *Iron, Steel, Brass, Bronze or Aluminum Erection — non-structural*, for clarity.
- Amend Classifications 6218(3)/6220(3), *Land Leveling*, to increase the hourly wage threshold from \$34.00 to \$39.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classification 2585(1), *Laundries*, to clarify the intended application and provide direction as to how related operations should be classified.
- Amend Classification 8821, *Law Firm Support Services*, to provide direction as to how related operations should be classified and for clarity.
- Amend Classification 8820, *Law Firms*, to increase the annual payroll limitation from \$144,300 to \$149,500 per person to reflect wage inflation since the payroll limitation was last amended in 2021.
- Amend Classification 9015(5), *Libraries — private — all employees other than librarians, professional assistants, Clerical Office Employees or Clerical Telecommuter Employees*, for consistency with previously approved changes.
- Amend Classification 8811, *Libraries — private — librarians or professional assistants*, for consistency with previously approved changes.
- Amend Classification 8232(1), *Lumberyards*, to separately classify employees engaged in cashiering operations or selling, stocking, handling or delivering store merchandise when the sale of store merchandise at a single location exceeds 25% of gross receipts.
- Amend Classification 3831, *Machine Shops — aircraft components*, to clarify the intended application and provide direction as to how related operations should be classified.
- Amend Classification 3632, *Machine Shops — N.O.C.*, to provide direction as to how related operations should be classified.
- Amend Classifications 5027/5028, *Masonry*, to increase the hourly wage threshold from \$28.00 to \$32.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend the cross-reference for Classification 3572, *Medical Instrument Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Amend Classification 3030, *Iron or Steel Works — structural*, which is part of the Metal Working Classifications Industry Group, for clarity.
- Amend Classification 3647(2), *Lead Mfg., Reclaiming or Alloying*, which is part of the Metal Working Classifications Industry Group, to clarify the intended application.
- Amend Classification 3039, *Reinforcing Steel Fabrication*, which is part of the Metal Working Classifications Industry Group, for clarity.
- Amend Classification 1452, *Mining — ore milling*, to provide direction as to how related operations should be classified.
- Amend Classification 1122, *Mining — surface*, for consistency with other proposed changes.

- Eliminate Classification 1124, *Mining — underground — surface employees*, due to its low statistical credibility and reassign the operations to Classification 6251, *Tunneling or Underground Mining*.
- Eliminate Classification 1123, *Mining — underground — with shafts, tunnels or drifts; all employees with exposure to underground mining operations*, due to its low statistical credibility, and reassign the operations to Classification 6251, *Tunneling or Underground Mining*.
- Amend Classification 8749, *Mortgage Bankers*, to limit an employee's annual payroll to \$149,500.
- Amend Classification 8743, *Mortgage Brokers*, to increase the annual payroll limitation from \$144,300 to \$149,500 per person to reflect wage inflation since the payroll limitation was last amended in 2021.
- Amend Classification 9610, *Motion Pictures — production*, to increase the annual payroll limitation for actors, musicians, producers and the motion picture director from \$144,300 to \$149,500 per person to reflect wage inflation since the payroll limitation was last amended in 2021 and for consistency with previously approved changes.
- Amend Classification 8812, *Libraries — public — librarians or professional assistants*, which is part of the Municipal, State or Other Public Agencies Industry Group, to clarify the intended application and for consistency with previously approved changes.
- Amend Classification 8875(1), *Public Colleges or Schools — all employees*, which is part of the Municipal, State or Other Public Agencies Industry Group, for consistency with previously approved changes.
- Eliminate the cross reference to Classification 1452, *Mining — ore milling*, for consistency with other proposed changes.
- Amend Classifications 5474(1)/5482(1), *Painting or Wallpaper Installation*, to increase the hourly wage threshold from \$28.00 to \$31.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classifications 5474(3)/5482(3), *Painting — water, oil or gasoline storage tanks*, to increase the hourly wage threshold from \$28.00 to \$31.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classification 8601(2), *Oil or Gas Geologists or Scouts*, which is part of the Petroleum Industry Group, to limit an employee's annual payroll to \$149,500.
- Amend Classifications 5484/5485, *Plastering or Stucco Work*, to increase the hourly wage threshold from \$32.00 to \$36.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classifications 5183(1)/5187(1), *Plumbing*, to increase the hourly wage threshold from \$28.00 to \$31.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend the cross-reference for Classification 3573, *Power Supply Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Amend the cross-reference for Classification 3577, *Printed Circuit Board Assembling*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Amend the cross-reference for Classification 4354, *Printed Circuit Board Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Amend Classification 8813(2), *Bookbinding Operation — editing, designing, proofreading and photographic composing*, which is part of the Printing, Publishing and Duplicating Industry Group, for consistency with previously approved changes and for clarity.
- Amend Classification 8807, *Newspaper, Magazine or Book Publishing*, which is part of the Printing, Publishing and Duplicating Industry Group, for consistency with previously approved changes and for clarity.
- Amend Classification 8818, *Newspaper Publishing or Printing — editing, designing, proofreading and photographic composing*, which is part of the Printing, Publishing and Duplicating Industry Group, for consistency with previously approved changes and for clarity.
- Amend Classification 8813(1), *Printing Operation — editing, designing, proofreading and photographic composing*, which is part of the Printing, Publishing and Duplicating Industry Group, for consistency with previously approved changes and for clarity.

- Amend Classification 8846(1), *Printing Operation — screen printing — editing, designing, proofreading and photographic composing*, which is part of the Printing, Publishing and Duplicating Industry Group, for consistency with previously approved changes and for clarity.
- Amend Classification 8846(2), *Screen Printed Merchandise Dealers*, which is part of the Printing, Publishing and Duplicating Industry Group, for consistency with previously approved changes and for clarity.
- Amend Classification 9011(1), *Apartment or Condominium Complex Operation — N.O.C. — not Homeowners Associations — all other employees*, which is part of the Property Management/Operation Industry Group, for consistency with previously approved changes.
- Amend Classification 9007, *Apartment or Condominium Complex Operation for Seniors — age restricted — not Congregate Living Facilities or Homeowners Associations — all other employees*, which is part of the Property Management/Operation Industry Group, for consistency with previously approved changes.
- Amend Classification 9011(2), *Commercial and Residential Mixed-Use Building Operation — not Homeowners Associations — all other employees*, which is part of the Property Management/Operation Industry Group, for consistency with previously approved changes.
- Amend Classification 9010, *Mobile Home Park Operation — all other employees*, which is part of the Property Management/Operation Industry Group, for consistency with previously approved changes.
- Amend Classification 8741, *Real Estate Agencies*, which is part of the Property Management/Operation Industry Group, to limit an employee's annual payroll to \$149,500.
- Amend Classification 8290, *Warehouses — self-storage — all other employees*, which is part of the Property Management/Operation Industry Group, for consistency with previously approved changes.
- Amend Classification 1624(1), *Quarries*, for consistency with other proposed changes.
- Amend Classification 7610, *Radio, Television or Commercial Broadcasting Stations*, to increase the annual payroll limitation for on-air personalities, entertainers and musicians from \$144,300 to \$149,500 per person to reflect wage inflation since the payroll limitation was last amended in 2021.
- Amend Classifications 5183(2)/5187(2), *Refrigeration Equipment*, to increase the hourly wage threshold from \$28.00 to \$31.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classification 5225, *Reinforcing Steel Installation*, to clarify the intended application and provide direction as to how related operations should be classified.
- Amend Classifications 5552/5553, *Roofing*, to increase the hourly wage threshold from \$27.00 to \$29.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classifications 6307/6308, *Sewer Construction*, to increase the hourly wage threshold from \$34.00 to \$39.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classifications 5538(1)/5542(1), *Sheet Metal Work*, to increase the hourly wage threshold from \$27.00 to \$29.00 per hour to reflect wage inflation since the threshold was last amended in 2014.
- Amend Classification 4492, *Sign Mfg.*, which is part of the Sign Industry Group, for consistency with previously approved changes.
- Amend Classification 9507, *Sign Painting or Lettering and Quick Sign Shops*, which is part of the Sign Industry Group, for consistency with previously approved changes.
- Amend Classification 1438, *Smelting, Sintering, Refining or Alloying*, for consistency with other proposed changes.
- Amend Classifications 5632/5633, *Steel Framing*, to increase the hourly wage threshold from \$35.00 to \$39.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classification 1803, *Stone Cutting or Fabrication*, for consistency with previously approved changes.
- Amend Classification 8042, *Stores — floor covering*, which is part of the Stores Industry Group, for consistency with other proposed changes.
- Amend Classification 8015, *Stores — furniture*, which is part of the Stores Industry Group, for consistency with other proposed

- changes.
- Amend Classification 8010, *Stores — hardware, electrical or plumbing supplies*, which is part of the Stores Industry Group, for consistency with other proposed changes.
- Amend Classification 8059, *Stores — tile*, which is part of the Stores Industry Group, to (1) include the sale of cabinets, (2) provide direction to separately classify employees engaged in handling, stocking or delivering lumber or building materials when lumber or building material sales exceed 10% of gross receipts, and (3) provide direction as to how related operations should be classified.
- Amend Classification 7365, *Taxicab Operations*, to increase the minimum annual payroll per taxicab from \$39,700 to \$41,000 to reflect wage inflation since the threshold was last amended in 2021 and for consistency with previously approved changes.
- Amend the cross-reference for Classification 3681(3), *Telecommunications Equipment Mfg.*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Establish a new cross-reference for Classification 8874(3), *Telecommunications Equipment Mfg.— hardware or software design or development*, which is part of the Electronics Industry Group, for consistency with other proposed changes.
- Amend Classification 9529(3), *Tent — erection, removal or repair*, to clarify the intended application.
- Amend Classification 5650, *Termite Control Work*, to provide direction as to how related operations should be classified.
- Amend Classification 9156, *Theaters — dance, opera or theater companies*, to (1) increase the annual payroll limitation for performers and directors of performers from \$144,300 to \$149,500 per person to reflect wage inflation since the payroll limitation was last amended in 2021, (2) include circus employees who are performers or directors of performers, as these operations are more properly assignable to Classification 9156, and (3) clarify the intended application.
- Amend Classification 9155, *Theaters — motion picture*, for clarity and consistency with other proposed changes.
- Amend Classification 9151, *Theaters — musical entertainment*, to increase the annual payroll limitation for performers and directors of performers from \$144,300 to \$149,500 per person to reflect wage inflation since the payroll limitation was last amended in 2021 and for clarity and consistency with other proposed changes.
- Amend Classification 9154, *Theaters — not motion picture*, to include circus employees who are not performers, such as managers, stage technicians, box office employees or ushers, as these operations are more properly assignable to 9154, and to clarify the intended application.
- Amend Classification 6251, *Tunneling*, to include underground mining operations, to provide direction as to how related operations should be classified and for consistency with other proposed changes.
- Amend Classification 8720(4), *Unmanned Aircraft System Operation — aircraft system and payload total combined weight of less than 55 pounds*, for consistency with previously approved changes.
- Amend Classification 7607(1), *Video Post-Production*, to increase the annual payroll limitation from \$144,300 to \$149,500 per person to reflect wage inflation since the payroll limitation was last amended in 2021 and for consistency with previously approved changes.
- Amend Classifications 5446/5447, *Wallboard Installation*, to increase the hourly wage threshold from \$36.00 to \$38.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classification 0400, *Warehouses — cotton — including cotton compressing*, for consistency with other proposed changes.
- Amend Classifications 6315(1)/6316(1), *Water Mains or Connections Construction*, to increase the hourly wage threshold from \$34.00 to \$39.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- Amend Classifications 5474(2)/5482(2), *Waterproofing*, to increase the hourly wage threshold from \$28.00 to \$31.00 per hour to reflect wage inflation since the threshold was last amended in 2020.
- 11. Amend Part 3, Section VIII, Abbreviated Classifications — Numeric Listing, for consistency with other proposed changes.
- 12. Amend Part 4, *Unit Statistical Report Filing Requirements*, Section II, *Definitions*, Rule 12, *Fi-*

nal Premium(s), Subrule h, for consistency with the California Department of Industrial Relations' Fiscal Year Assessments.

13. Amend Part 4, Section IV, *Exposure Information*, Rule 1, *Classification Code*, and Rule 4, *Exposure Amount*, to remove references to Part 3, *Standard Classification System*, Section III, *General Classification Procedures*, Rule 7, *Coronavirus Disease 2019 (COVID-19)*, as the references are no longer necessary.
14. Amend Part 4, Section V, *Loss Information*, Subsection B, *Loss Data Elements*, Rule 6, *Type of Settlement*, for consistency with Workers Compensation Policy Reporting Specifications (WCPOLS).
15. Amend Appendix I, *Construction and Erection Classifications*, for consistency with other proposed changes.
16. Amend Appendix II, *Payroll/Remuneration Table*, to remove a reference to Part 3, *Standard Classification System*, Section III, *General Classification Procedures*, Rule 7, *Coronavirus Disease 2019 (COVID-19)*, as the rule is no longer necessary.
17. Amend Appendix III, *Injury Description Codes*, Section B, *Nature of Injury (Positions 3-4)*, and Section C, *Cause of Injury (Positions 5-6)*, to add a Nature of Injury code to address any adverse reaction to any vaccination and update the wording for the related Cause of Injury Code and the Pandemic Cause of Injury Code.
18. Amend Appendix IV, *Classifications Including Clerical Office Employees, Clerical Telecommuter Employees or Outside Salespersons*, for consistency with other proposed changes.

Amendments to the Miscellaneous Regulations for the Recording and Reporting of Data — 1995, Title 10, California Code of Regulations, Section 2354, Effective September 1, 2022

1. Amend Section I, Introduction, Rule 2, Effective Date, to show that the effective date of the amended Miscellaneous Regulations is 12:01 a.m., September 1, 2022.

Amendments to the California Workers' Compensation Experience Rating Plan — 1995, Title 10, California Code of Regulations, Section 2353.1, Effective September 1, 2022

1. Amend Section I, General Provisions, Rule 2, Effective Date, to show that the effective date of the amended Experience Rating Plan is 12:01 a.m., September 1, 2022.
2. Amend Section II, Definitions, Rule 5, Immediate Family, to update the language with gender-neutral terms.

3. Amend Section III, Eligibility and Experience Period, Rule 1, Eligibility Requirements for California Workers' Compensation Insurance, to adjust the eligibility threshold from \$9,500 to \$9,200 to reflect wage inflation and the proposed September 1, 2022 expected loss rates.
4. Amend Section VI, Rating Procedure, Rule 2, Actual Losses and Actual Primary (Ap) Losses, to exclude COVID-19 claims with accident dates from December 1, 2019 through August 31, 2022 from the computation of experience modifications.
5. Amend Section VII, Inquiries, Complaints and Requests for Action, Reconsideration and Appeals, Rule 3, Complaints and Requests for Action, to update the WCIRB's mailing address.
6. Amend Table I, Expected Loss Rates and D-Ratios, to reflect the most current data available.
7. Amend Table II, Primary Thresholds, to reflect the most current data available.

CONTACT PERSON

The name and telephone number of the agency representative and designated contact person are listed above under "WRITTEN COMMENT PERIOD."

AVAILABILITY STATEMENTS

The Commissioner has prepared an Informative Digest included in this Notice that sets forth a summary and the reasons for the proposed regulations. Upon request to the contact persons above, the text of the proposed regulations shall be made available for inspection and copying.

The file for this action, which includes a copy of the proposed regulations, the WCIRB's filing, and any supplemental information, is contained in the Rulemaking File: REG-2022-00006 and is available for inspection and copying by prior appointment at 1901 Harrison Street, 4th Floor, Oakland, California 94612, between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

The express terms of the proposed regulations as contained in the WCIRB's filing may also be viewed or downloaded from the Regulatory Filings section of the WCIRB website: www.wcirb.com.

INTERNET ACCESS

Documents concerning these proposed regulations are available on the Department's website at the following link: www.insurance.ca.gov/0250-insurers/0500-legal-info/0200-regulations/proposed-regulations.cfm.

APPROVAL OF REGULATIONS

Following the time period to receive written comment, the Insurance Commissioner may approve regulations substantially as described in this Notice and Informative Digest, or he may approve modified regulations or refuse to approve the regulations. Notice of the Insurance Commissioner's action will be sent to all persons who have requested notice of the Commissioner's action.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or Department), proposes to amend sections 3043 and 3043.5, and adopt sections 3498.1 and 3498.2, into Title 15, Division 3, Chapter 1, regarding Youth Parole Eligible Date (YPED).

PUBLIC COMMENT PERIOD

The public comment period begins **March 18, 2022** and closes on **May 2, 2022**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

No public hearing is scheduled for these proposed regulations; however, pursuant to Government Code Section 11346.8, any interested person or their duly authorized representative may request a public hearing, no later than 15 days prior to the close of the written comment period.

CONTACT PERSONS

Primary Contact

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P.O. Box 942883
Sacramento, CA 94283-0001

Program Contact

Marilyn Ouye
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AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons. **PC Section 5058.3** authorizes the Director to certify in a written statement filed with the Office of Administrative Law that operational needs of the Department require adoption, amendment, or repeal of regulation on an emergency basis.

PC Section 3051 subdivision (j), provides that the Secretary of the Department of Corrections and Rehabilitation may authorize persons described in paragraphs (1), (2), and (3) of subdivision (b) to obtain an earlier youth parole eligible date by adopting regulations pursuant to subdivision (b) of Section 32 of Article 1 of the California Constitution.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code section 3051(j) authorized the Secretary of the department to adopt regulations allowing youth offenders to earn credits, as determined by the department, to advance their YPEDs and obtain an earlier initial parole consideration hearing date. The proposed regulations will broaden the range and availability of

credit-earning opportunities to specified youth offenders who complete educational programs. With the expansion of credit-earning opportunities for youth offenders, the department aims to incentivize inmates' participation in educational programming, encouraging rehabilitation, thereby protecting and enhancing public safety.

Additionally, Penal Code section 3051 sets forth the criteria for a youth offender determination, which is currently codified in California Code of Regulations, Division 2, Board of Parole Hearings regulations, sections 2440 and 2441. To establish better clarity for inmates and the public in determining when an inmate qualifies as a youth offender, and to provide a reference in Division 3 regulations for Case Records staff when making a youth offender determination, the proposed regulations adopt new sections 3498.1 and 3498.2, Youth Offender Criteria, and Youth Offender Determinations into Division 3, Adult Institutions, Programs, and Parole regulations.

This action will:

- Allow for the application of Educational Merit Credit (EMC) towards a YPED, for youth offenders as specified in Penal Code section 3051(b)(1), (2) and (3).
- Specify that EMC credit shall be awarded once to an inmate's YPED.
- Establish an effective date of January 1, 2022 for the award of EMC as set forth in section 3043.5, with retroactivity from August 1, 2017.
- Provide the exclusionary criteria for awarding EMC to a YPED (as delineated in Penal Code section 3051(j)).
- Specify that EMC forfeitures will not affect the application of EMC in the YPED calculation.
- Provide a reference within Division 3 regulations for Youth Offender Criteria and Youth Offender Determinations.

**DOCUMENTS INCORPORATED
BY REFERENCE**

N/A

**SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS**

The proposed regulations will incentivize rehabilitation for youth offenders, and will benefit our criminal justice system and our communities by creating opportunities for youth offender inmates to improve academically while incarcerated. These regulations enhance public safety by encouraging youth offender inmates to pursue educational opportunities and make personal preparation for the transition to supervised

release in the community upon release. Providing incentives to youth offender inmates to engage in educational programming also reduces inmate disciplinary misconduct and violence in the prisons, yielding safer conditions for inmates and a safer workplace for staff.

Successful implementation of these regulations will help reduce overcrowding in state prisons and aid the department in keeping its inmate prison population below court-ordered thresholds. Furthermore, by maintaining the inmate population below the federal court cap, the department and the State avoid the possibility of indiscriminate court-ordered early releases of prisoners. Establishing a durable remedy to prison overcrowding can eventually lead to the end of federal court intervention and substantial savings from reduced litigation costs.

Additionally, the proposed regulations will define who qualifies as a youth offender, and benefits all stakeholders by resolving ambiguities and clarifying how to determine whether an inmate will qualify for a youth parole consideration hearing.

**EVALUATION OF INCONSISTENCY/
INCOMPATIBILITY WITH EXISTING
LAWS AND REGULATIONS**

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern the Youth Parole Eligible Date (YPED).

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district requiring reimbursement:..... None.
- Cost or savings to any state agency: The California Department of Corrections and Rehabilitation budget was increased as follows: Fiscal Year (FY) 2020/2021 — \$504,000; FY 2021/2022 — \$589,000; FY 2022/2023 and ongoing — \$280,000.
- Cost or savings in federal funding to the state: None.
- Other nondiscretionary cost or savings imposed on local agencies:..... None.

EFFECT ON HOUSING COSTS

The department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The department 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 ON BUSINESS

The department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small businesses because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or affect the expansion of businesses currently doing business in California. The proposed regulations add the opportunity for an earlier YPED through achievement of EMC, and clarify youth offender eligibility criteria and determinations, therefore any impact to jobs will only be within the department. Expanding the EMC application will result in an increase in workload. The department will need to hire at least one two-year limited-term Correctional Case Records Administrator to coordinate the implementation of the EMC for YPEDs. The department has determined that the proposed regulation will have no effect on worker safety or the state's environment. These regulations may benefit the welfare of California residents by enhancing public safety through incentivizing rehabilitation of youth offender inmates. Rehabilitation through educational opportunities will

aid youth offenders in their transition to supervised release in the community upon release.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department 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 regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed during the written comment period or at a scheduled hearing should one be scheduled.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the department's website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the department may adopt the proposed regulations substantially as described in this Notice. If the department makes modifications which 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 department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The department will accept written comments on the modified regulations for at

least 15 days after the date on which they are made available.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

CALIFORNIA STATE SAFE HARBOR AGREEMENT PROGRAM ACT CONSISTENCY DETERMINATION NUMBER 2089-2022-001-01

Location: Shasta River, Siskiyou County

Applicant: Emmerson Investments, Inc.

Notifier: Pete Scala

Background

On February 24, 2021, the National Marine Fisheries Service (NMFS) approved a Template Safe Harbor Agreement for Conservation of Coho Salmon in the Shasta River (TSHA). The TSHA establishes the general requirements for NMFS, under authority of Endangered Species Act section 10(a)(1)(A) and implementing rule and policy, to issue Enhancement of Survival Permits (ESP) to non-federal landowners in the Shasta River Basin for the purpose of promoting the conservation, enhancement of survival, and recovery of Southern Oregon/Northern California Coast (SONCC) evolutionarily significant unit of coho salmon (*Oncorhynchus kisutch*; Covered Species). The TSHA also discusses Covered Species biological requirements, habitat conditions, covered activities and associated avoidance and minimization measures, and the adaptive management program.

NMFS has issued a Site Plan Agreement (SPA), which is an agreement between NMFS and a landowner, and an ESP, which authorizes take of the Covered Species, to each individual landowner enrolled under the TSHA (Project). Each SPA and ESP provides specificity to the terms or conditions in the TSHA, or additional terms or conditions beyond what appears in the TSHA, that are applicable to a particular enrolled property. The TSHA, and related project-specific SPA and ESP, taken together provide the applicable terms and conditions for an individual landowner (collectively, the 'federal SHA').

On February 24, 2021, NMFS issued an SPA and ESP (Permit Number 23290), under the terms of the TSHA, to Emmerson Investments, Inc. (Permittee) with a term of 20 years¹. Seldom Seen Ranch (Enrolled Property), owned and operated by the Permittee, is lo-

cated North of Lake Shastina and west of Big Springs Road in central Siskiyou County (Approximately: 41.544 North latitude, 122.389 West longitude, APNs: 020-004-070, 020-050-320 & 020-050-330²). The enrolled property includes a total of approximately 1,420 acres, with approximately 150 acres under irrigation. The Enrolled Property is operated as a portion of a larger cow/calf operation. The Enrolled Property uses groundwater for irrigation and diverts water from the Shasta River for stock water throughout the winter months.

Enrolled Property SPA

The Enrolled Property SPA defines Baseline Conditions as the habitat conditions at the time NMFS approved the Enrolled Property SPA, the conditions described in Appendix 1 of the TSHA. The activities required to maintain Baseline Conditions are detailed in Table 2 of the Enrolled Property SPA.

Avoidance and minimization measures are described in detail in Appendix 2 of the TSHA, and those applicable to the Enrolled Property are listed in section G.1 of the Enrolled Property SPA.

Covered Activities include both routine agricultural activities and beneficial management actions, as detailed in Appendix 2 of the TSHA and in sections C, E, and G of the Enrolled Property SPA, as follows:

- Routine Agricultural Covered Activities³ (Section C1)
 - Irrigation management
 - Irrigation maintenance
 - Riparian fence maintenance
 - Road maintenance
 - Crossing maintenance
 - Herbicide/fertilizer/pesticide use
- Avoidance and Minimization Measures for Routine Agricultural Covered Activities (Section G)
 - A1: Maintain measuring device
 - B1: Minimize sediment discharge
 - B5: Monitor and repair tailwater berms
 - B6: Instream work operation period
 - C1: Develop and adhere to the riparian grazing management plan
 - C2: Grazing of fenced riparian areas
 - C3: No direct impacts to spawning, incubation, and emergence from grazing activities
 - D1: Regular inspection of riparian fencing
 - D2: Notification to NMFS and the California Department of Fish and Wildlife (CDFW) of damaged fencing

² SPA, pages 2 & 4.

³ See TSHA Appendix 2 for full text of covered activities and avoidance and minimization measures.

¹ ESP, page 1.

- E1: Design considerations and fish passage for all stream crossings
- E2: Erosion control on roads
- E3: Instream work operation period
- E4: Avoidance of traffic on roads not designed for wet conditions
- F1: Livestock and vehicle crossings
- F2: Operation of vehicles in streams
- G1: Application of pesticides
- G2: Minimization of fertilizer/nutrient escape into waterways
- G3: Avoid use of materials deleterious to covered species
- G4: Petroleum product use and storage near waterways
- H1: Flood events and emergency situation notification of CDFW and NMFS
- H2: Fish and Game Code section 1610 notification
- Beneficial Management Actions/Activities (BMAs) (Section E)
 - E.1.a: Increased delivery and irrigation efficiencies; tailwater reduction; participation in reach-wide Diversion Management Plan; and upgrade/repair/maintain diversion facilities
 - E.1.b: Spawning surveys; remediation of fish passage barrier
 - E.1.d: Riparian fencing, limit crossings on fish-bearing streams
 - E.1.e: Spawning gravel study
 - E.1.f: Pasture grazing management
 - E.1.g: Assessments and scientific studies
 - E.2.a: Increase delivery and irrigation efficiency, tailwater reduction
 - E.3.a: Soil moisture monitoring program, Forbearance Agreement
 - E.3.b: Beaver management for instream benefit
 - E.3.d: Beaver management, riparian habitat planting, riparian management, and large woody debris (LWD) structure improvement
 - E.3.e: Spawning gravel augmentation

Additional Commitments include:

- Avoidance and minimization monitoring (Sections G and G1)
- Implementation and effectiveness monitoring commitments (Section G2)
- Description of potential and existing funding sources and timeline for the Permittee to carry out BMAs, avoidance and minimization mea-

asures, and monitoring and reporting requirements (Section E, F, & G)

- Other information consistent with the terms and conditions of the SPA and ESP including reporting (Sections F, H, & I)

Access

- General. The Permittee will allow NMFS, CDFW, or Shasta Watershed Conservation Group (SWCG) access to the Enrolled Property to (a) inspect for implementation of BMAs, (b) monitor, stock or remove the Covered Species, or to carry out related management activities, and (c) monitor the effectiveness of the SPA. Such access will be subject to conditions identified in the SPA. Unless specified otherwise in the SPA, such access will be subject to reasonable notice, not less than seven days in advance, and conditioned to avoid interference with commercial and other private uses of the Enrolled Property by the Permittee.
- Special Circumstances. In the circumstances described in TSHA Sections 6.2 and 6.8, the Permittee will allow access to NMFS and CDFW for emergency salvage or relocation of affected Covered Species.⁴
- Monitoring. The Permittee will allow CDFW and NMFS to conduct implementation and effectiveness monitoring of various AMMs and BMAs related to riparian grazing, fish passage, LWD utilization by salmonids, beaver management, and riparian enhancement.⁵

Net Conservation Benefit

The federal SHA is expected to result in a net conservation benefit to the Covered Species over the 20-year term by:

- Developing and implementing a beaver management plan for the enrolled property;
- Improving water quality for rearing juvenile Covered Species within the first two years of the federal SHA through eliminating drain water entering the channel as warmed surface water;
- Improving water quantity for juveniles and adults through better timing of diversion through participation in the Upper Shasta River Diversion Strategy;
- Improving migration conditions for all life stages of the Covered Species through eliminating a passage barrier at Diversion 156 within the first five years of permit issuance;
- Improving instream habitat complexity and velocity refugia for juveniles through addition of large wood at up to 23 sites;

⁴ TSHA 6.3.1 and 6.3.2.

⁵ SPA, various sections.

- Increasing amount and extent of spawning gravel for reproduction of the Covered Species through providing access to restore spawning gravel at up to 11 sites within the first 10 years of the federal SHA.⁶

Consistency Determination Request

On February 4, 2022, the Director of CDFW received a letter from Emmerson Investments, Inc., requesting a determination pursuant to California Fish and Game Code section 2089.22 that the federal TSHA and its related SPA and ESP are consistent with California State Safe Harbor Agreement Program Act for the Covered Species on the Enrolled Property (Cal. Reg. Notice Register 2022, Number 7–Z, page 160.).

Determination

CDFW has determined that the federal SHA, including Permit Number 23290, with proposed incidental take of the Covered Species, is consistent with the California State Safe Harbor Agreement Program Act because the conservation, avoidance, and minimization measures contained in the federal SHA meet the conditions set forth in California Fish and Game Code sections 2089.22 and 2089.6 for authorizing incidental take of Covered Species. Specifically, CDFW finds that: (1) take of the Covered Species will be incidental to an otherwise lawful activity; (2) implementation of the federal SHA is reasonably expected to provide a net conservation benefit to the Covered Species; (3) the Project will not jeopardize the continued existence of the Covered Species; (4) the Permittee has agreed, to the maximum extent practicable, to avoid or minimize any incidental take authorized by the federal SHA, including returning to baseline conditions; (5) the federal SHA has established an approved monitoring program; (6) CDFW has determined that sufficient funding is ensured to complete surveys on the property and there is sufficient funding to carry out management actions and monitoring for the duration of the federal SHA; and (7) implementation of the federal SHA is not in conflict with a CDFW–approved conservation or recovery program for the Covered Species.

Monitoring and Reporting Measures

The Permittee will be responsible for the following monitoring and reporting measures related to implementation of the federal SHA and fulfillment of its provisions:

- SPA Sections G, G1, and G2
- SPA Section H and Appendix F
- TSHA Section 6.6
- TSHA Appendix 2 (Pages 66–101)
- TSHA Appendix 3 — Implementation Monitoring (Pages 108–118)

- TSHA Appendix 3 — Effectiveness Monitoring and Reporting (Pages 119–140)
- TSHA Appendix 3 — Validation Monitoring (Pages 141–142)
- TSHA Appendix 3 — Evaluation (Pages 142–144)
- TSHA Appendix 3 — Monitoring and Reporting Responsibilities (Pages 144–145)
- ESP Condition #7

Funding

Funding will be provided by the Permittee through a \$1,500 annual contribution to effectiveness monitoring. Permittee shall provide such funding to SWCG by February 1 of each year of its ESP. SWCG will then provide such funding directly to parties designated by NMFS to undertake effectiveness monitoring.⁷

BMA's include some actions that do not require funding such as participation in the Upper Shasta River Diversion Strategy, allowing the use of Enrolled Property pastures for testing technology intended to increase irrigation efficiency, and providing NMFS and CDFW with access to the Enrolled Property to conduct scientific studies. Permittee will collaborate with CDFW and NMFS to fund and implement BMA's that aim to enhance riparian habitat, improve channel structure, and increase riparian function. Permittee shall fund and perform all required retrofits and upgrades necessary to eliminate drain water entering the channel.

Upgrades to and replacement of irrigation components may qualify for grant funding. Permittee shall fund all costs associated with riparian fencing maintenance, and up to 20% of replacement costs if fencing is destroyed by a high flow event. Permittee shall fund the creation and implementation of a Beaver Management Plan.

Incidental Take Authorization

Pursuant to Fish and Game Code (Fish & G. Code) section 2089.22(a), if a federal SHA is approved pursuant to applicable provisions of federal law and the federal SHA includes species that are both federally and state listed, no further approval under the California State Safe Harbor Agreement Program Act (Fish & G. Code, §2089.2 et seq.) is required for incidental take of those species provided the Permittee implements the Project and future land and water use and management practices as described in the approved federal SHA and CDFW determines the federal SHA is consistent with applicable criteria. Additionally, the Permittee must adhere to all measures and conditions contained in the approved federal SHA.

If there are any substantive changes to the federal TSHA or if NMFS amends or replaces the SPA or ESP, the Permittee shall be required to obtain a new

⁶ NMFS Net Conservation Benefit Finding 11/17/2020.

⁷ TSHA Section 6.5.3

consistency determination from CDFW (see generally Fish & G. Code, §§ 2081.1, 2081, subds. (b) and (c)). Any CDFW authorization pursuant to Fish and Game Code section 2089.22(a) to take species identified in the federal SHA shall terminate immediately upon the expiration or termination of the federal SHA.

**DEPARTMENT OF
FISH AND WILDLIFE**

**CESA CONSISTENCY DETERMINATION
REQUEST FOR
Cienega Springs Ecological Reserve
Restoration Project
2080–2022–005–05
Ventura County**

The California Department of Fish and Wildlife (CDFW) received a notice on March 8, 2022, that the Marine Science Institute at the University of California Santa Barbara (Marine Science Institute) proposes to rely on a federal consultation to carry out a project that may result in take of a species protected by the California Endangered Species Act (CESA). The proposed project involves the restoration of a functional community of native riparian and aquatic habitats that mimic, if not fully re-create, the rare wetlands that were historically present. Proposed activities will include, but are not limited to, converting former agricultural fields including row crops and watercress beds to native habitat through minor grading and changes to surface flow pathways, removal of non-native, invasive plants, reestablishing native vegetation, and installing public access and trails. The proposed project will occur at the 283-acre Cienega Springs Ecological Reserve on the Santa Clara River within the middle Santa Clara River watershed directly upstream of the town of Fillmore, Ventura County, California.

The U.S. Fish and Wildlife Service (Service) issued a federal programmatic biological opinion (BO) (Service Reference Number 2022–0015602) in an intra-Service on March 4, 2022, 2018, which considered the effects of the proposed project on state and federally endangered least Bell's vireo (*Vireo bellii pusillus*); state and federally endangered southwestern willow flycatcher (*Empidonax traillii extimus*); and federally threatened yellow-billed cuckoo (*Coccyzus americanus*) of which the western subspecies (*C. a. occidentalis*) is state endangered.

Pursuant to California Fish and Game Code section 2080.1, the Marine Science Institute is requesting a determination that the BO and its associated Incidental Take Statement (ITS) are consistent with CESA for purposes of the proposed project. If CDFW determines the BO and its associated ITS are consis-

tent with CESA for the proposed project, the Marine Science Institute will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**SUMMARY OF
REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE
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.

Fish and Game Commission
File # 2021–0226–02
2021 Recreational Clam, Sand Crab, and Shrimp
Gear Emergency Rule

This action by the Fish and Game Commission prohibits the use of hydraulic pumps for the recreational harvest of clams, sand crabs, and shrimp.

Title 14
Amend: 29.20, 29.80
Filed 03/08/2021
Effective 03/08/2021
Agency Contact: David Thesell (916) 653–4899

Bureau of Real Estate Appraisers
File # 2021–0114–02
Assembly Bill 2113

Business and Professions Code section 135.4, effective January 1, 2021 reads: (a) Notwithstanding any other law, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they have been admitted to the United States as a refugee under Section 1157 of Title 8 of the United States Code, have been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to Section 1158 of Title 8 of the United States Code, or they have a special immigrant visa (SIV) that has been granted a status under Section 1244 of Public Law 110–181, under Public Law 109–163, or under Section 602(b) of Title VI of Division F of Public Law 111–8. (b) Nothing in this section shall be construed as changing existing licensure requirements. A person applying for expedited licensure under subdivision (a) shall meet all

applicable statutory and regulatory licensure requirements. (c) A board may adopt regulations necessary to administer this section.

Title 10
Amend: 3561, 3569, 3570, 3602, 3603
Filed 03/08/2021
Agency Contact: Kyle Muteff (916) 341-6126

California Architects Board
File # 2021-0125-01
Delegation of Certain Functions

This action without regulatory effect repeals the regulatory delegation of certain board functions to the board's executive director where that delegation has been superseded by the adoption of Business and Professions Code section 5620.2.

Title 16
Repeal: 2603
Filed 03/09/2021
Agency Contact: Stacy Townsend (916) 575-7235

Department of Toxic Substances Control
File # 2020-1117-02
Amendment to the P075 Listing for Nicotine

This action without substantive effect removes nicotine patches, gums, and lozenges that are FDA-approved over-the-counter nicotine replacement therapies from the list of hazardous wastes when discarded.

Title 22
Amend: 66261.33
Filed 03/09/2021
Agency Contact: Jackie Buttle (916) 255-3730

Veterinary Medical Board
File # 2021-0119-02
RVT Emergency Animal Care

In this regular rulemaking action the Veterinary Medical Board amends one section related to emergency care that may be rendered by registered veterinary technicians (RVTs).

Title 16
Amend: 2069
Filed 03/02/2021
Effective 07/01/2021
Agency Contact: Justin Sotelo (916) 515-5238

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE WITHIN
October 1, 2021 to December 31, 2021**

All regulatory actions filed by OAL during this period are listed below by California Code of Reg-

ulations 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 01

12/03/2021 ADOPT: 6.5, 101 AMEND: 1, 5, 6, 50, 52, 100

Title 02

10/07/2021 AMEND: 599.500, 599.508
10/07/2021 AMEND: 67.7, 213.4
10/08/2021 ADOPT: 18450.9 AMEND: 18421.5, 18450.4
10/12/2021 AMEND: 23000
10/14/2021 ADOPT: 2295, 2296, 2297 AMEND: 2291, 2292, 2293, 2297 (renumbered to 2294) REPEAL: 2294, 2295, 2296
10/28/2021 AMEND: 1859.90.2
11/04/2021 ADOPT: 20910, 20960, 20961, 20962, 20980, 20981, 20982, 20983, 20984, 20985, 20990, 20991, 20992, 20993
11/08/2021 ADOPT: 18424, 18424.1, 18424.2 REPEAL: 18215.3
11/10/2021 ADOPT: 18422.5, 18465.1 AMEND: 18402.1, 18406, 18410, 18465, 18601, 18611, 18613, 18616, 18616.4 REPEAL: 18422.5
11/15/2021 AMEND: 19092, 19094, 20026
11/19/2021 ADOPT: 12040, 12041, 12042, 12050, 12051, 12052, 12140, 12141, 12142, 12143, 12181 AMEND: 12005, 12120, 12155, 12176, 12177, 12178, 12179, 12180
11/22/2021 AMEND: 1859.171
11/22/2021 ADOPT: 18424.3
11/23/2021 AMEND: 58800
11/30/2021 AMEND: 242
11/30/2021 ADOPT: 13 AMEND: 26, 78, 78.1, 249, 250, 250.1
12/06/2021 ADOPT: 18421.11
12/07/2021 ADOPT: 18104, 18757 AMEND: 18115, 18115.2, 18723.1
12/09/2021 AMEND: 20110, 20111, 20112, 20113, 20114, 20115, 20116, 20117, 20118, 20119, 20120, 20121, 20122, 20123, 20124, 20125, 20126
12/13/2021 ADOPT: 18612 AMEND: 18610, 18615 REPEAL: 18612
12/30/2021 AMEND: 20136

Title 03

10/26/2021 REPEAL: 3259, 3276
11/17/2021 AMEND: 3700

CALIFORNIA REGULATORY NOTICE REGISTER 2022, VOLUME NUMBER 11-Z

11/23/2021 ADOPT: 9000, 9100, 9101, 9102, 9103, 9104, 9105, 9106, 9107, 9200, 9201, 9202, 9203

12/27/2021 ADOPT: 1180.43.1

12/30/2021 AMEND: 6650 [renumbered as 6980], 6651 [renumbered as 6981], 6652 [renumbered as 6982], 6654 [renumbered as 6983], and 6656 [renumbered as 6984] REPEAL: 6655

12/30/2021 AMEND: 4940, 4944, 4946

Title 04

10/07/2021 AMEND: 12108, 12112, 12114, 12261, 12264, 12272, 12274, 12276, 12278, 12309, 12470, 12472

10/07/2021 AMEND: 5000, 5180

10/18/2021 AMEND: 12112, 12114, 12492, 12500, 12503

10/19/2021 ADOPT: 1866.3 AMEND: 1588

11/10/2021 AMEND: 1581.1, 1878

11/15/2021 AMEND: 15039, 15311, 15415

11/29/2021 AMEND: 10031, 10032, 10033, 10034, 10035, 10036

12/03/2021 ADOPT: 5022 AMEND: 5000, 5010, 5020, 5033, 5035, 5050, 5052, 5053, 5060, 5100, 5101, 5141, 5144, 5153, 5170, 5180, 5190, 5191, 5192, 5205, 5210, 5220, 5230, 5231, 5232, 5233, 5240, 5241, 5250, 5251, 5422, 5432 REPEAL: 5102, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550

12/09/2021 AMEND: 10031, 10032, 10033, 10036

12/20/2021 ADOPT: 15014.1

12/30/2021 ADOPT: 10092.15 AMEND: 10092.1, 10092.2, 10092.3, 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12, 10092.13, 10092.14

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12/03/2021 AMEND: 15558, 15559

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10/20/2021 ADOPT: 32312 AMEND: 32056, 32060, 32110, 32121, 32140, 32150, 32155, 32170, 32180, 32190, 32205, 32300, 32310, 32720, 32792, 32998, 32999, 93000, 93025, 93030, 93045, 93055, 93070, 93075

11/08/2021 AMEND: 9792.23.5

12/01/2021 AMEND: 9789.25

12/15/2021 ADOPT: 10815, 10816, 10817 AMEND: 10305, 10400, 10401, 10404, 10462, 10550, 10610, 10615, 10625, 10628, 10635, 10670, 10745, 10750, 10752, 10755, 10756, 10759, 10818, 10832, 10862

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10/07/2021 AMEND: 6658, 6660, 6664

10/07/2021 AMEND: 2318.6

11/17/2021 ADOPT: 10008 AMEND: 10000, 10005, 10006, 10007

11/29/2021 AMEND: 2498.6

12/20/2021 ADOPT: 2239.10

12/22/2021 ADOPT: 1850, 1850.6, 1850.6.1, 1850.7, 1850.8, 1850.9, 1850.10, 1850.11, 1850.12, 1850.13, 1850.14, 1850.15, 1850.16, 1850.30, 1850.31, 1850.32, 1850.50, 1850.60, 1850.61

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10/05/2021 AMEND: 1005, 1007, 1008, 1059

10/15/2021 AMEND: 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1014, 1015, 1016, 1018, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1070, 1080, 1081, 1082, 1083, 1084, 1950, 1953, 1954, 1955, 1956, 1959, 1960

11/09/2021 AMEND: 31.14

11/23/2021 AMEND: 300, 301, 303, 305, 308, 311, 411, 415, 418

11/23/2021 AMEND: 1005, 1007

11/30/2021 AMEND: 31.11

12/02/2021 AMEND: 4001

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10/04/2021	AMEND: 18660.37, 18660.40	11/30/2021	AMEND: 3000, 3323, 3336, 3338, 3341.9, 3375.3, 3375.4, 3375.5
10/12/2021	AMEND: 912.5, 932.5, 952.5, 1051.5, 1032, 1054.3, 1055, 1200, 1203.3, 1203.4, 1203.5, 1203.6, 1203.9, 1252.1, 1601	11/30/2021	AMEND: 3741, 3742, 3743, 3744, 3745, 3746, 3748
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11/09/2021	AMEND: 1651	12/13/2021	ADOPT: 3498.1, 3498.2 AMEND: 3043, 3043.5
11/18/2021	AMEND: 699.5	12/20/2021	AMEND: 3000, 3006, 3044, 3133, 3190, 3314, 3315, 3323
11/22/2021	AMEND: 7.40	12/28/2021	ADOPT: 3486, 3486.1, 3486.2, 3486.3
12/01/2021	AMEND: 895.1, 916.9, 917.2, 917.3, 917.4, 936.9, 937.2, 956.9, 957.2	12/28/2021	AMEND: 3043, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045.1, 3043.7 [Renumbered to 3044.1], 3043.8 [Renumbered to 3044.2], 3047 [Renumbered to 3046.1] REPEAL: 3043.7
12/06/2021	AMEND: 670.2	12/28/2021	ADOPT: 3392.1, 3392.2, 3392.3, 3392.4, 3392.5, 3392.6, 3392.7, 3392.8, 3392.9, 3417 AMEND: 3391, 3392
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12/17/2021	AMEND: 2975	10/28/2021	AMEND: 2039
12/27/2021	AMEND: 4970.01, 4970.03, 4970.05.1, 4970.06.1, 4970.06.2, 4970.06.3, 4970.07, 4970.08, 4970.08.1, 4970.08.2, 4970.10, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.13, 4970.20, 4970.24.1	11/01/2021	AMEND: 2671
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10/04/2021	ADOPT: 3084, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488 AMEND: 3000, 3045, 3077.3, 3078.4, 3134.1, 3136, 3137, 3141, 3173.1, 3179, 3193, 3220.4, 3230, 3282, 3378.4, 3383, 3475 (renumbered to 3465), 3476 (renumbered to 3466), 3477 (renumbered to 3467), 3478 (renumbered to 3468), 3479 (renumbered to 3469), 3480 (renumbered to 3470), 3480.1 (renumbered to 3471), 3481 (renumbered to 3472), 3482 (renumbered to 3473), 3483 (renumbered to 3474), 3484 (renumbered to 3475), 3485 (renumbered to 3476), 3486 (renumbered to 3477), 3491, 3492, 3548, 3563, 3630, 3723 REPEAL: 3084, 3084.1, 3084.2, 3084.3, 3084.4, 3084.5, 3084.6, 3084.7, 3084.8, 3084.9, 3085, 3086, 3369.5	11/04/2021	AMEND: 160
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		11/30/2021	AMEND: 1399.20, 1399.21, 1399.22
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10/11/2021	ADOPT: 4011 AMEND: 4010	11/10/2021 ADOPT: 3949.16.1 AMEND: 3949.16
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