

**BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD**

In the Matter of the Appeal of:

**R D OLSON CONSTRUCTION
400 SPECTRUM CENTER DRIVE, SUITE 1200
IRVINE, CA 92618**

Employer

Inspection No.
1601687

DECISION

Statement of the Case

R D Olson Construction is a general contractor. Beginning June 9, 2022, the Division of Occupational Safety and Health (the Division), through Associate Safety Engineer, Gordon Peilte (Peilte), conducted an unannounced “heat sweep” inspection at Employer’s construction site located at 1700 Business Center Drive, in Duarte, California (the site).

On July 27, 2022, the Division issued one citation to Employer alleging one violation of the California Code of Regulations, title 8.¹ Citation 1 alleges Employer’s Heat Illness Prevention Plan (HIPP) did not establish effective written High Heat Procedures (HH Procedures). Employer filed a timely appeal on the grounds of no violation, incorrect classification, and unreasonable penalty. Employer asserted several affirmative defenses.²

The matter was heard by Rheeah Yoo Avelar, Administrative Law Judge (ALJ) for the California Occupational Safety and Health Appeals Board (Appeals Board) on July 9 and 10, 2024, and August 21, 23, and 27, 2024. ALJ Avelar conducted the hearing with the parties and witnesses appearing remotely via the Zoom video platform. Jenifer Kienle, of Kienle Law, represented Employer. Kathryn Woods, Staff Counsel, represented the Division. The matter was submitted on November 1, 2024.

Issues

1. Did Employer’s Heat Illness Protection Plan include the required High Heat Procedures?

¹ Unless otherwise specified, all references are to California Code of Regulations, title 8.

² Except where discussed in the Decision, Employer did not present evidence in support of its affirmative defenses, and said defenses are therefore deemed waived. (*RNR Construction, Inc.*, Cal/OSHA App. 1092600, Denial of Petition for Reconsideration (May 26, 2017).)

2. Did Employer establish any affirmative defenses?
3. Is the citation properly classified?
4. Is the proposed penalty reasonable?

Findings of Fact

1. Employer's HIPP contained a section entitled "High Heat Procedures" that did not include the elements required in the safety order.
2. Employer's HIPP did not provide that employees could reach supervisors.
3. Employer's HIPP provided that supervisors would closely observe employees for heat illness during heat waves.
4. Employer's HIPP did not provide that employees were allowed to call for emergency services when no designated employee was available.
5. Employer's HIPP provided that employees would be regularly reminded to drink water, but this provision lacked designation as an HH Procedure.
6. Employer's HIPP provided that pre-shift meetings were to occur when the temperature met or exceeded 95 degrees Fahrenheit but this provision did not identify the HH Procedures to be reviewed at the meeting.³
7. Employer's failure to have an HIPP containing all of the required elements in its HH Procedures has a relationship to occupational safety and health of employees because such procedures reduce the risk of heat illness.
8. The proposed penalty is calculated in accordance with penalty-setting regulations.

Analysis

- 1. Did Employer's Heat Illness Protection Plan include the required High Heat Procedures?**

³ All temperature measurements provided are in the Fahrenheit scale.

Section 3395, subdivision (i), requires:

Heat Illness Prevention Plan. The employer shall establish, implement, and maintain, an effective heat illness prevention plan. The plan shall be in writing in both English and the language understood by the majority of the employees and shall be made available at the worksite to employees and to representatives of the Division upon request. The Heat Illness Prevention Plan may be included as part of the employer's Illness and Injury Prevention Program required by section 3203, and shall, at a minimum, contain:

- (1) Procedures for the provision of water and access to shade.
- (2) The high heat procedures referred to in subsection (e).
- (3) Emergency Response Procedures in accordance with subsection (f).
- (4) Acclimatization methods and procedures in accordance with subsection (g).

The Division alleges,

Prior to and during the course of the investigation, including, but not limited to, 6/9/2022, the employer did not establish effective written high heat procedures referred to in subsection (e).

The Division has the burden of proving all elements of a violation by a preponderance of evidence. (*Home Depot, USA, Inc.*, Cal/OSHA App. 1011071, Decision After Reconsideration (May 16, 2017) [other citations omitted]; see also *International Paper Company*, Cal/OSHA App. 14-1189, Decision After Reconsideration (May 29, 2015).) The Division also bears the burden of proving employee exposure to the violative condition addressed by a safety order. (*Ibid.*)

Applicability

Section 3395, subdivision (a)(2)(B), identifies the construction industry as subject to all provisions of the standard. Employer was the general contractor at the site and employees performed outdoor construction labor. There is no dispute that the safety order applied to the work conducted by Employer. Employer was thus subject to the standard. (§ 3395, subd. (a).)

Violation

The citation concerns the written contents of Employer's HIPP, not its implementation. Section 3395, subdivision (i), requires Employer's HIPP to contain the HH Procedures listed in section 3395, subdivision (e). The Division contends Employer's HIPP did not identify all the specific HH Procedures. Subdivision (e) requires, in relevant part:

High-heat procedures. The employer shall implement high-heat procedures when the temperature equals or exceeds 95 degrees Fahrenheit. These procedures shall include the following to the extent practicable:

- (1) Ensuring that effective communication by voice, observation, or electronic means is maintained so that employees at the work site can contact a supervisor when necessary. An electronic device, such as a cell phone or text messaging device, may be used for this purpose only if reception in the area is reliable.
- (2) Observing employees for alertness and signs or symptoms of heat illness. The employer shall ensure effective employee observation/monitoring by implementing one or more of the following:
 - (A) Supervisor or designee observation of 20 or fewer employees, or
 - (B) Mandatory buddy system, or
 - (C) Regular communication with sole employee such as by radio or cellular phone, or
 - (D) Other effective means of observation.
- (3) Designating one or more employees on each worksite as authorized to call for emergency medical services, and allowing other employees to call for emergency services when no designated employee is available.
- (4) Reminding employees throughout the work shift to drink plenty of water.
- (5) Pre-shift meetings before the commencement of work to review the high heat procedures, encourage employees to drink plenty of water, and remind employees of their right to take a cool-down rest when necessary.

An employer's HIPP need not mirror the exact format or language of the regulation, but it must contain all the elements and sub-elements specified therein. (*Hill Crane Service, Inc.*, Cal/OSHA App. 1135350, Decision After Reconsideration (Sept. 24, 2021), citing *L&S Framing*, Cal/OSHA App. 1173183, Decision After Reconsideration (Apr. 2, 2021).) The Division need only show one missing component of the many required by the safety order, in order to establish a violation. (*Lennar Corporation*, Cal/OSHA App. 1340561, Decision After Reconsideration (Sept. 26, 2023).).

Employer provided its five-page HIPP in effect at the time of the inspection. (Ex. 11.) By its own terms, it requires full implementation of its provisions at 80 degrees Fahrenheit. It contains a subsection entitled, "High Heat Procedures when the temperature equals or exceeds 95 Degrees Fahrenheit," which reads:

High Heat Procedures when the temperature equals or exceeds 95 Degrees Fahrenheit.

(Pre-shift meeting and a Mandatory 10-minute cool down breaks) [*sic*]

- Start the work shift even earlier in the day or alter in the evening
- Cut work shifts short or stop work altogether
- Reduce the severity of work by scheduling slower paced, less physically demanding work during the hot parts of the day and the heaviest work activities during the cooler parts of the day (early-morning or evening)

(Ex. 11, p. 4.)

Employer's HH Procedures do not list the five elements as enumerated in the safety order. However, Employer's HIPP has provisions resembling some of the five requirements. These analogous provisions are distributed throughout other parts of the HIPP and are examined below.

Effective communication

Subdivision (e)(1) of the safety order requires an employer's HH Procedures to ensure maintenance of effective communication so that employees, when necessary, can contact a supervisor via one or more of several listed methods of communication. Employer proposed three of its HIPP provisions satisfied this sub-element of the safety order.

Employer proposed that its "Real Time Communication" provision (Ex. 11, p. 4) was compliant. It provides, in relevant part:

[...] we will establish and use a system to readily communicate with our workers in the field. [...]

- To accomplish this we have a supervisor or a "designated person(s)" at the worksite with the authority to communicate and implement any measures necessary to address heat illness.
- Using our two-way communication system allows workers to report to supervisors, co-workers, or other designated persons how they are feeling on a real time basis.

Employer's use of a system to "readily communicate" with workers appears analogous to ensuring effective communication. However, this provision plainly states that it is intended to support Employer's ability to reach employees, rather than the other way around, particularly with the designation of persons with the authority to communicate. Its "two-way communication system" allows workers to report their condition to designees. This "two-way" system is undefined and there is no assurance that workers can initiate contact. As such, the provision does not satisfy the sub-element.

Employer identified another provision (Ex. 11, p. 4) in its HIPP requiring:

Supervisors will continuously check all employees, and stay alert to the presence of heat related symptoms.

Peilte testified that, while this provision requires supervisors to observe employees, it does not satisfy subdivision (e)(1) because it does not require supervisors to be accessible to employees to ensure employees have effective communication with them. (Hearing Transcript, Volume (TR) III

p. 48.)⁴ By its own terms, this provision is designed to ensure observation of symptoms rather than to ensure employees have a means to contact a supervisor and thus does not satisfy the safety standard.

Employer also offered the following passage (Ex. 11, p. 3) as evidence of compliance:

Supervisors will carry cell phones or other means of communication, to ensure that emergency services can be called, and check that these are functional at the worksite prior to each shift.

Although the safety order permits cellular phones, Employer's provision is not designed for employees. By its own terms, it ensures a supervisor's ability to reach emergency services. It does not ensure that an employee can reach a supervisor out of vocal range.

Employer's HIPP thus cannot be found to comply with subdivision (e)(1).

Observation of employees

Subdivision (e)(2) requires employers to implement one of four means of observing employees for signs or symptoms of heat illness. Employer offered three HIPP provisions it argues show compliance with the subdivision.

Employer identified a provision (Ex. 11, p. 3) in its HIPP requiring:

Co-workers will use a "buddy system" to watch each other closely for discomfort or symptoms of heat illness.

Peilte testified that this provision satisfies the buddy system requirement identified in the safety order. The Division nonetheless contends that it does not satisfy subdivision (e)(2) because the buddy system provision is not identified as an HH Procedure. In other words, it bears no indication that it is such a procedure. The significance of identification as an HH Procedure will be discussed fully in the analysis of subdivision (e)(5). For these reasons, this provision does not satisfy the safety standard.

Employer offered a provision (Ex. 11, p. 3), already quoted in the discussion above, wherein:

Supervisors will carry cell phones or other means of communication, to ensure that emergency services can be called [...]

⁴ Five volumes comprise the unofficial transcript of the audio recording which serves as the official record. Each volume corresponds in sequence to each of the five days of hearing.

Peilte noted that the stated purpose of the cellular phone, per this provision, is to reach emergency services, not to ensure effective observation of employees. Further, the safety order constrains cellular phone use to regular communication with a sole employee. Employer's provision does not limit cellular phone use to regular communication with a sole employee, and there is no evidence that employees were working alone. This provision thus does not satisfy the safety standard.

Employer also offered its HIPP's "Acclimatization" section (Ex. 11, p. 3) wherein:

All employees shall be closely observed by a supervisor or designee during a heat wave. (Heat Wave as determined by an increase in the heat index of ten degrees Fahrenheit higher than the average "High Daily Temperature", of the preceding five days or when newly assigned to a high heat area.) [*sic*]

This provision is not labeled as an HH Procedure, but it does require implementation during a "heat wave." It is inferred, particularly when read in the context of the HIPP, which requires implementation at 80 degrees, that a "heat wave" includes days when the temperature meets or exceeds 95 degrees. Peilte conceded that this provision was compliant with the observation requirements of this subdivision,

Employer's "Acclimatization" provision substantially complies with subdivision (e)(2).

Calling emergency services

Subdivision (e)(3) requires at least one designated employee to call for emergency medical services (EMS) and allows other employees to call if no designated caller is available.

Employer again presented the following provision (Ex. 11, p. 3):

Supervisors will carry cell phones or other means of communication, to ensure that emergency services can be called [...]

Employer stipulated that its HIPP does not have language allowing employees to call EMS. (TR III, p. 90.) Employer's Director of Risk Management Karel Taska (Taska) testified that all superintendents are certified first aid providers who meet the definition and requirements of "Emergency Medical Services." (See §1504, subd. (a), and § 1512.) (TR IV, pp. 76, 78.) He explained a superintendent is always present at a site and when employees call a foreman, who then calls a field superintendent to help, they are essentially calling EMS because the superintendent can make the EMS call or directly render aid. (TR IV, pp. 78, 86, 153, 155.) Taska reasoned that an EMS call from anyone other than a superintendent can create a greater risk to health. He presented examples of sprawling or unique sites where EMS was, or would have been, delayed reaching the injured. (TR IV, pp. 79-80, 85, 87-88, 90.)

Employer rationalized that moving through the chain of command was equivalent to calling EMS, and safer than the potential delays due to unusual site layouts. Yet, the safety order requires that HH Procedures contain language allowing employees to call EMS, without chain of command restrictions. An employer may not substitute its own procedures for those called for in safety orders. (*Solarcity Corporation*, Cal/OSHA App. 14-3707, Denial of Petition for Reconsideration (Apr. 14, 2016).) An employer's recourse, if it believes it has a better or at least as effective means of protection, or even if it believes compliance with a standard is impossible, is to seek a variance from the California Occupational Safety and Health Standards Board. (*Ibid*; *Spencer & Son, Inc.*, Cal/OSHA App. 94-407, Decision After Reconsideration (May 10, 1999).) Without a variance, Employer's HIPP remains subject to the terms of the safety order.

Employer's HIPP thus cannot be found to comply with subdivision (e)(3).

Water reminders

Subdivision (e)(4) requires employers to remind employees throughout the work shift to drink plenty of water.

Employer's HIPP (Ex. 11, p. 1) requires water reminders:

- Supervisors will provide frequent reminders to employees to drink frequently, and more water breaks will be provided.
- Every morning there will be short tailgate meetings to remind workers about the importance of frequent consumption of water throughout the shift.
- [...]
- Noise making devices, such as air horns, may be used to remind employee's to take their water break. [*Sic.*]

Peilte acknowledged that these provisions instruct Employer to remind employees to drink water throughout their shift, and that he observed implementation at the site. (TR III, p. 95.)

While this water consumption reminder provision substantially complies with the sub-element, it fails to identify itself as an HH Procedure. The significance of bearing designation as an HH Procedure will be discussed fully in examination of subdivision (e)(5), below. For this reason, this provision does not satisfy the safety standard.

Employer's HIPP thus cannot be found to comply with subdivision (e)(4).

Pre-shift meetings

Subdivision (e)(5) requires employers to conduct pre-shift meetings with employees to review the HH Procedures, encourage consumption of plenty of water, and remind them of their right to take a cool-down rest when necessary.

Employer's HIPP makes three references to meetings. The first reference is within a section discussing access to shade. (Ex. 11, p. 2.)

Every morning there will be short tailgate meetings (in the employees' language) to remind workers about the importance of rest breaks and the location of shade.

A discussion about the "importance of rest breaks" is not analogous to discussing employees' right to rest when needed. Additionally, this provision fails to comply with the elements in subdivision (e)(5).

The second reference is within a section labeled "training." (Ex. 11, p. 3.)

- All employees will receive heat illness prevention training prior to working outdoors, especially all newly hired employees
- On hot days, and during a heat wave, supervisors will hold short tailgate meetings to review this important information with all workers.

It is reasonably inferred that the statement "on hot days, and during a heat wave" includes days when the temperature meets or exceeds 95 degrees. Supporting this inference is Employer's HH Procedures section, which requires greater care to avoid the heat when the temperature meets or exceeds 95 degrees. Employer's inexact language requiring tailgate meetings on hot days, rather than specifically referring to 95 degrees, substantially complies with the temperature threshold of the safety standard.

Employer's provision nonetheless falls short because it does not specify that meetings must occur prior to the start of a shift. It also fails to identify any of the elements enumerated in subdivision (e)(5). The instruction to "review this important information" has no antecedent in the prior bullet point, which refers to only unspecified heat illness prevention training. Employer's HIPP obliges an employee or supervisor to infer what procedures require implementation in high heat because the procedures are not clearly denoted.

A third reference is within Employer's "High Heat Procedures" section (Ex. 11, p. 4):

High Heat Procedures when the temperature equals or exceeds 95 Degrees Fahrenheit.

(Pre-shift meeting and a Mandatory 10-minute cool down breaks) [*sic*]

- Start the work shift even earlier in the day or alter in the evening
- Cut work shifts short or stop work altogether
- Reduce the severity of work by scheduling slower paced, less physically demanding work during the hot parts of the day and the heaviest work activities during the cooler parts of the day (early-morning or evening)

Employer demonstrates its recognition of the need for enhanced precautions in high heat with this provision entitled “High Heat Procedures.” The provision alters and adjusts work practices. It contains a clear call for a pre-shift meeting on high heat days but fails to identify any of the elements and sub-elements enumerated in subdivision (e)(5). Omission of the required sub-elements, and failure to incorporate any of the scattered analogous provisions is, effectively, exclusion. For these reasons, this provision does not satisfy the safety standard.

Employer also presented a sign posted at an entry gate at the site which reads:

WARNING

**WHEN TEMPERATURE IS PREDICTED TO REACH OR EXCEED 80
DEGREES**

- TAILGATE REMINDER MEETING AT START OF SHIFT
- DRINK 1 QUART OF WATER PER WORKER / PER HOUR
- TAKE HOURLY SHADE / WATER REST BREAKS
- MONITOR WORKERS FOR HEAT RELATED SYMPTOMS

This sign bears no indication it is a part of Employer’s HIPP or Injury and Illness Prevention Program and it does not communicate the topics listed in the safety order subdivisions (e)(1) through (e)(5). Its water and break references are directives to a reader at the gate. They do not comport with subdivision (e)(5), which requires issuing reminders to drink and informing employees of their right to breaks. (*Hill Crane Service Inc.*, *supra*, Cal/OSHA App. 1135350, [giving workers frequent cool-down breaks is not the same as informing workers of their right to take cool-down breaks].)

In sum, a few provisions in Employer’s HIPP carry substantially the same meaning as some of the elements in subdivision (e). Peilte conceded that HH Procedures may assume any format but testified that they should be accessible and not require piecemeal inference from different sections of an HIPP. He reasoned that HH Procedures must be clear and plain to a reader, particularly one working outside, as a step-by-step procedure. (TR III, pp. 62-64, 66.) The Appeals Board recognizes that formatting for procedures is not merely a matter of form over substance. In *Mountain Cascade, Inc.* Cal/OSHA App. 01-3561, Decision After Reconsideration (Oct. 17, 2003), discussing the components of an Injury and Illness Prevention Program (IIPP), the Appeals Board held:

An essential component cannot be dispersed throughout an IIPP without identifying which procedures apply to imminent hazards. A person reviewing or looking for imminent hazard procedures must be able to readily find them or recognize their applicability.

Here, section 3395, subdivision (i), explicitly anticipates the use of the HIPP by supervisors and employees. It additionally requires availability in the language understood by the majority of the employees. The safety order thus establishes and heightens the primacy of accessibility.

Incomplete and scattered provisions which do not bear clear identification as components of a unique heat procedure are not readily recognizable HH Procedures. Employer thus did not establish effective written HH Procedures.

For these reasons, Employer's HIPP does not satisfy section 3395, subdivision (e). Thus, the Division proved a violation of section 3395, subdivision (i), by a preponderance of the evidence.

2. Did Employer establish any affirmative defenses?

Taska testified that, on approximately 36 different occasions, the Division approved permits for Employer, requiring review of Employer's HIPP, and finding no deficiencies. (TR III, pp. 230-231; Ex R.1.⁵) Taska testified that he was unaware of Employer ever being cited under section 3395 since it went into effect in 2006. (TR IV, p.158.) Employer's Safety Director Arthur Hernandez (Hernandez) testified that he met with Division representatives to secure the project permit for the site and that the Division found no deficiencies after its review. (TR V, pp. 40-42.)

Employer appears to analogize the permitting process with a prior site inspection, asserting estoppel as an affirmative defense. The Appeals Board has rejected arguments that a prior Division inspection that did not identify a violation may form the basis of a valid defense to a later citation for that specific condition. Safety inspections by the Division do not serve as permanent approval of unnoticed, existing hazards. (*Fibreboard Box & Millwork Corp.* Cal/OSHA App. 90-492, Decision After Reconsideration (Jun. 21, 1991).) Prior inspections finding no violations do not relieve Employer of its duty to have a plan nor does it excuse any other violation. (*Advanced*

⁵ The Division objected to Employer introducing exhibits which was not lodged in OASIS, the Appeals Board's online case management system, prior to the hearing as required by the Order After Prehearing Conference issued on July 8, 2024. The objections were taken under submission. Section 376.1, subdivision (d), provides, "The taking of evidence in a hearing shall be controlled by the Appeals Board in the manner best suited to ascertain the facts and safeguard the rights of the parties." (See also, Evid. Code § 320, allowing a court to regulate the order of proof.) Evidence may be excluded if its probative value creates a substantial danger of undue prejudice. (Evid. Code § 352.) Prejudice may be cured by a continuance. Hearings are dynamic proceedings. Parties cannot necessarily anticipate each exhibit that will be necessary in advance of the hearing and should not be unreasonably denied the opportunity to supplement proposed exhibits during the hearing. (*Webcor Builders, Inc.*, Cal/OSHA App. 1416143, Decision After Reconsideration (May 23, 2022.) Here, no prejudice to the Division was shown. For these reasons, the objections are overruled.

Components Technology, Cal/OSHA App. 91-1045, Decision After Reconsideration (Nov. 13, 1992).) This defense is thus not available and cannot be extended to a permitting process.

Hernandez testified that Employer implements the elements of subdivision (e) in the field. He provided examples. (TR V, p. 20.) Taska asserted that Employer's HIPP exceeds the standards in the safety order. He offered undisputed testimony that in 2022 Employer requested the Division's Oakland Consultation Office (the Consultation Office) to perform an on-site courtesy inspection at another of Employer's sites. Taska testified that after reviewing Employer's company-wide safety practices, including the HIPP at issue, the Consultation Office nominated Employer for a Golden Gate Award. (TR IV, p. 121.) Employer's exemplary field practices do not satisfy the safety order because section 3395, subdivision (i), requires that HH Procedures be written and included in the HIPP. To the extent that Employer analogizes the Division's recognition for its undisputed safety practices in place at the site with a prior inspection, because the defense of estoppel is not recognized, it cannot be applied in this context either.

3. Is the citation properly classified?

The Division classified the violation as General. In order to establish a General violation, the Division need only show that the safety order was violated and that the violation has a relationship to occupational safety and health of employees. (*California Dairies, Inc.*, Cal/OSHA App. 07-2080, Denial of Decision After Reconsideration (Jun. 25, 2009), citing *A. Teichert & Sons, Inc.*, Cal/OSHA App. 97-2733, Decision After Reconsideration (Dec. 11, 1998).) An HIPP, by definition, impacts employee safety and health. A failure to include the HH Procedures has a relationship to occupational safety and health of employees because they reduce the risk of heat illness and increase the chances of appropriate and timely response to a heat illness emergency. Accordingly, Citation 1, was properly classified as General.

4. Is the proposed penalty reasonable?

Penalties calculated in accordance with the penalty-setting regulations set forth in sections 333 through 336 are presumptively reasonable and will not be reduced absent evidence that the amount of the proposed civil penalty was miscalculated, the regulations were improperly applied, or that the totality of the circumstances warrant a reduction. (*Stockton Tri Industries, Inc.*, Cal/OSHA App. 02-4946, Decision After Reconsideration (Mar. 27, 2006).)

The Division submitted its Proposed Penalty Worksheet showing the penalty calculations. (Ex 8.) Peilte testified that he considered the citation abated. (TR II, pp. 143, 177, 187.) Peilte testified as to his calculation of the penalties, discussing application of adjustment factors and the abatement credit. (TR II, p. 143.) Employer presented no evidence or argument that the penalties were improperly calculated. Accordingly, the proposed penalty for Citation 1 is reasonable.

Conclusion

The weight of the evidence supports a finding that Employer violated section 3395, subdivision (i), for failure to have an HIPP in place that included all the elements and sub-elements of the safety order. Employer did not prove any of its affirmative defenses. Citation 1 is properly classified, and the penalty is reasonable.

Order

It is hereby ordered that Citation 1 is affirmed and the penalty of \$300.00 is sustained.

It is further ordered that the penalty set forth in the attached Summary Table be assessed.

Dated: 11/22/2024

/s/ Rheeah Yoo Avelar

Rheeah Yoo Avelar
Administrative Law Judge

The attached decision was issued on the date indicated therein. If you are dissatisfied with the decision, you have thirty days from the date of service of the decision in which to petition for reconsideration. Your petition for reconsideration must fully comply with the requirements of Labor Code sections 6616, 6617, 6618 and 6619, and with California Code of Regulations, title 8, section 390.1. **For further information, call: (916) 274-5751.**