

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

In the Matter of the Appeal of:

**YUBA COUNTY SHERIFF'S OFFICE
215 5TH STREET
MARYSVILLE, CA 95901**

Employer

Inspection Number

1820991

**DENIAL OF PETITION FOR
RECONSIDERATION**

The Occupational Safety and Health Appeals Board (Board), acting pursuant to authority vested in it by the California Labor Code hereby denies the petition for reconsideration filed in the above-entitled matter by the Division of Occupational Safety and Health (Division or DOSH).

JURISDICTION

On September 25, 2025, the Division cited Yuba County Sheriff's Office (YCSO or Employer) with two citations alleging three violations of safety orders set forth in title 8 of the California Code of Regulations.¹

- Citation 1, Item 1, alleged a Regulatory violation of section 324, subdivision (a) [Reporting Work-Connected Fatalities and Serious Injuries];
- Citation 1, Item 2 alleged a General violation of section 3203, subdivision (a)(1) [failure to identify the person or persons responsible for implementing the Injury Illness Prevention Program (IIPP)];
- Citation 1, Item 3, alleged a General violation of section 3380, subdivision (f)(2) [failure to verify required written workplace hazard assessment was performed],
- Citation 1, Item 4, alleged a General violation of section 3380, subdivision (f)(7) [failure to verify employees received and understood required personal protective equipment (PPE) training],
- Citation 1, Item 5, alleged a General violation of Labor Code section 6401.9, subdivision (d)(1)(A) [failure to record information in a violent incident log of a workplace violence incident],
- Citation 1, Item 6, alleged a General violation of Labor Code section 6401.9, subdivision (f)(1) [failure to create and maintain records of workplace violence hazard identification, evaluation, and correction],
- Citation 2, Item 1, alleged a Serious Accident-Related violation of section 3203, subdivision (a)(4) [failure to effectively establish implement, and maintain procedures for identifying and evaluating workplace hazards],
- Citation 3, Item 1, alleged a Serious Accident-Related violation of section 3203, subdivision (a)(6)(B) [failure to establish implement, and maintain procedures for correcting unsafe and unhealthy conditions, practices, and procedures].

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

- Citation 4, Item 1, alleged a Serious Accident-Related Violation of section 3203, subdivision (a)(7) [failure to effectively establish implement, and maintain effective training and instruction],
- Citation 5, Item 1, alleged a Serious Accident-Related Violation of section 3380, subdivision (e) [failure to provide adequate PPE],
- Citation 6, Item 1, alleged a Serious Violation of section 3380, subdivision (e)(4) [failure to ensure PPE training],
- Citation 7, Item 1, alleged a Serious Accident-Related Violation of section 3383, subdivision (b) [failure to ensure appropriate clothing for work being done was worn],
- Citation 8, Item 1, alleged a Serious Accident-Related Violation of Labor Code section 6401.9, subdivision (c) [failure to establish implement, and maintain an effective workplace violence prevention plan],
- Citation 9, Item 1, alleged a Serious Violation of Labor Code section 6401.9, subdivision (e)(1) [failure to provide effective workplace violence prevention training],

After Employer initiated its appeal of the Division’s citations, the proceeding was assigned to an administrative law judge (ALJ) of the Board. The Board notes that prior to the initiation of the instant appeal the Division and Employer had been engaged in litigation before the Superior Court of California, County of Yuba (Superior Court) on several issues including investigatory subpoena’s issued by The Division and that litigation is ongoing. In the appeal before the board, the Division and Employer engaged in substantial discovery and motion practice including a “Motion Concerning Hearing Dates” by the Division on January 15, 2026 which requested limiting the first day of hearing, scheduled on April 10, 2026, to the opening of the record and admission into evidence of jurisdictional documents. Employer opposed the Division’s Motion Concerning Hearing Dates.

After briefing from both parties, on February 3, 2026, the Presiding Administrative Law Judge (PALJ) denied the Divisions Motion Concerning Hearing Dates she determined after no good cause existed to support the request after examining the record, moving papers, and arguments presented by the parties. The Division timely filed a Petition for Reconsideration (Petition) on March 10, 2025. Employer has not filed an answer as of the issuance of this Denial.

ISSUE

Should the Board grant Division’s interlocutory petition for reconsideration?

REASON FOR DENIAL OF PETITION FOR RECONSIDERATION

The Board has fully reviewed the record in this case, including the arguments presented in the petition for reconsideration. We have taken no new evidence.

Labor Code section 6617 sets forth five grounds upon which a petition for reconsideration may be based:

- (a) That by such order or decision made and filed by the appeals board or hearing officer, the appeals board acted without or in excess of its powers.
- (b) That the order or decision was procured by fraud.
- (c) That the evidence does not justify the findings of fact.
- (d) That the petitioner has discovered new evidence material to him, which he could not, with reasonable diligence, have discovered and produced at the hearing.
- (e) That the findings of fact do not support the order or decision.

The Division's petition asserts the Board acted without or in excess of its powers, the findings of fact are not supported by the evidence; and the findings do not support the Order as a matter of law.

Board precedent holds that reconsideration will not grant interlocutory rulings, reasoning that they are not 'final' orders within the meaning of the Labor Code section 6614. (*Gardner Trucking, Inc.*, Cal/OSHA App. 12-0782, Denial of Petition for Reconsideration (Dec. 9, 2013).) The Board has long held that granting interlocutory review is extraordinary in nature and must be exercised sparingly. (*Shimmick Construction Company, Inc.*, Cal/OSHA App. 1080515, Decision After Reconsideration (March 30, 2017).) Interlocutory review is generally disfavored and rarely granted. (*Ibid.*)

The Board does recognize some exceptions to the general prohibition on interlocutory review. (*Gardner Trucking, Inc.*, supra, Cal/OSHA App. 12-0782.) In deciding whether to grant an interlocutory order, the Board may consider "general principles" "followed by the courts" that allow for interlocutory review. (See *Muse Trucking Company*, Cal/OSHA App. 03-4535, Denial of Petition for Reconsideration (Dec. 24, 2004).)

However, here, we do not view the Division's Petition as adequately raising any justification that would necessitate a departure from the Board's general rule on reconsidering interlocutory rulings.

We hold that the Order which Division petitions us to reconsider is interlocutory, and we decline to reconsider the petition on that basis.

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DECISION

For the reasons stated above, the petition for reconsideration is denied. The Order is affirmed.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

/s/ Ed Lowry, Chairman
/s/ Judith S. Freyman, Board Member
/s/ Marvin Kropke, Board Member

FILED ON: 03/25/2026

