

SELF ASSESSMENT TEST

1. The Division lacked jurisdiction to cite Employer, a landscape contractor, in connection with a one-vehicle accident that occurred on a public street or highway, because Labor Code §6302(h) excludes from the definition of "serious injury or illness," accidents that occur on a public street or highway.

True False

2. Whether an injury accident that occurs on a public street or highway is "serious" relates directly to whether it must be reported by first responders to the Division.

True False

3. Under §3314, Cleaning, Repairing, Servicing and Adjusting Prime Movers, Machinery and Equipment, a lockout / tagout procedure specific to each affected machine is essential to a well-devised hazardous energy control procedure.

True False

4. A separate written lockout / tagout procedure for each machine or piece of equipment is not required, pursuant to §3314, if the employer demonstrates it has a procedure for all machinery that reasonably could be expected to cause injury to employees.

True False

5. Proof that a nip point in chain and sprocket machinery is not guarded establishes a violation of §4075, Gears and Sprockets, even without proof of employee exposure.

True False

6. Two-inch protruding reinforcing steel or other similar projections present an impalement hazard and, thus, must be guarded with protective covers, pursuant to §1712(c), Erection and Construction; Requirements for Impalement Protection.

True False

7. An employer may avail itself of the independent employee action defense (IEAD) where the cited safety order requires protection against a hazard by use of positive guarding.

True False

8. Where an "obvious hazard," such as escaping steam or hot water from a steam generator line, exists, compliance with a cited safety order may be excused if the failure to provide appropriate personal protective equipment (PPE) to address that hazard is for good cause.

True False

9. General industry practice is a recognized defense to a cited violation.

True False

10. Waiting to appeal until after an informal conference with the Division is not good cause for an employer's late appeal of a citation.

True False

11. The Division's policy and procedures manual governs the conduct of both the Division and the Appeals Board with respect to the limitations period for appealing citation(s).

True False

12. Pursuant to the Labor Code, and Appeals Board regulations, an employer may commence the reconsideration process by expressing an intent to petition for reconsideration.

True False

13. Appeals Board regulations authorize a surviving spouse to seek party status in an appeal proceeding.

True False

CERTIFICATION

- This self-study activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of one hour.
- The State Bar of California certified that this activity conforms to the standards for approved education activities prescribed by the Rules and Regulations of the State Bar of California governing Minimum Continuing Legal Education (MCLE).

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