

1 **Definition of Employee, 2009**

2 [Published August 21, 2009]

3 Title 14 of the California Code of Regulations (CCR)

4 Chap. 4, Subchapter 7, Article 1, 2, 6.5 and 6.8

5
6 **Adopt**

7 **§ 1022.4 Licensed Timber Operator Responsibilities**

8 **§ 1022.5 Subcontractors to a Licensed Timber Operator**

9 **§ 1024.6 Employee with Wages as Sole Compensation 1024.6**

10
11 **Amend**

12 **§ 1035.3 Licensed Timber Operator Responsibilities**

13 **§ 1090.12 Licensed Timber Operator Responsibilities**

14 **§ 1092.14 Licensed Timber Operator Responsibilities**

15
16 **Article 1 Timber Operator Licenses, Adopt § 1022.4 Licensed Timber Operator**
17 **Responsibilities.**

18 *******§ 1022.3. License for Erosion Control Maintenance.**

19 A timber operator license is not required for the maintenance of erosion control structures
20 following the completion of timber operations described in an approved work completion report
for a THP.

21 Note: Authority cited: Sections 4524, 4527 and 4551, Public Resources Code. Reference:
22 Sections 4524 and 4571, Public Resources Code.

23 **§ 1022.4. Licensed Timber Operator Responsibilities.**

24 The person licensed pursuant to this Article, hereinafter referred to as Licensed Timber
25 Operator or LTO, shall be responsible for the work of his or her employees, and all those who
26 the LTO may hire as subcontractors, whether or not such subcontractors are licensed as
27 timber operators, except in following case. In those cases where a subcontracting LTO is also
28 listed as a responsible LTO on a timber harvesting plan or other harvest permitting document,

1 such LTO shall be responsible for the work of their own employees and any subcontractors,
2 and shall be responsible for compliance with the Act, plan and Board rules for the timber
3 operations for which they are designated in the plan. All LTOs shall familiarize all employees
4 and subcontractors with the intent and details of the operational protection measures of the
5 plan, including amendments and minor or substantial deviations, or any other harvest
6 permitting document or notice that apply to their work. The LTO shall ensure that such
7 employees and subcontractors comply with all other provisions of the Act and Board rules.

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9 Note: Authority cited: Section 4551, Public Resources Code. Reference: Sections 4524 and
10 4571, Public Resources Code.

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13 **Adopt § 1022.5. Subcontractors to a Licensed Timber Operator.**

14 Except for those to whom PRC § 4576.1 applies, a timber operator license is not required of
15 persons, such as timber fallers and independent log haulers, who subcontract with a LTO for
16 specific services during the conduct of timber operations and for which the LTO is responsible.

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18 Note: Authority cited: Section 4551, Public Resources Code. Reference: Sections 4524 and
19 4571, Public Resources Code.

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21 **§ 1023 Issuance of License**

22 Upon receipt of a proper written application and payment of the prescribed license fee, the
23 Director may issue either a Timber Operator License or a Limited Timber Operator
24 License.*****
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1 **Adopt § 1024.6. Employee with Wages as Sole Compensation.**

2 *****§ 1024.5. Insurance Maintenance.

3 Licensees shall maintain in force an insurance policy, if required, as defined in subsection (c)
4 of section 4572. Failure or refusal to do so shall render the application incomplete, and a
5 license shall be invalid. If an Insurance Certificate showing insurance coverage is received by
6 the Department demonstrating no lapse in insurance coverage, the license shall continue
7 without interruption. If no such Insurance Certificate is received, the license shall remain
8 invalid and a new license shall be required.

7 **§ 1024.6. Employee with Wages as Sole Compensation.**

8 **(a) "Employee with wages as sole compensation" within the meaning of PRC § 4526.5 and**
9 **4528.5 shall be persons for whom all of the following characteristics are present:**

10 **(1) Receive compensation from hourly wages paid at least twice during each calendar**
11 **month pursuant to Labor Code § 204, or are salaried and paid at least monthly. ("Wages"**
12 **does not include any "commission" or compensation calculated solely as a percentage of an**
13 **employer's business, or contract revenue.)**

14 **(2) The employer pays unemployment insurance premiums, deducts Federal and**
15 **State income tax withholding, Social Security and Medicare deductions from each pay check,**
16 **and is required by law to forward such withholdings to the appropriate government entity.**

17 **(3) The employer covers such person with worker's compensation and any needed**
18 **liability insurance.**

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20 **Note: Authority cited: Section 4551 and 4553, Public Resources Code. Reference: Sections**
21 **4524, 4526.5, 4528.5 and 4571, Public Resources Code.**

22
23 **§ 1025 Fees for Licenses.**

24 **(a) The following annual license fees shall prevail:**

- 25 **1. "Timber Operator License"**
New License \$75.00
Renewal License \$50.00
26 **2. "Limited Timber Operator License"**
New License \$35.00
Renewal License \$25.00

27 **Note: Authority cited: Sections 4551 and 4572, Public Resources Code. Reference: Section**
28 **4572, Public Resources Code.*******

1 **Amend Article 2 Timber Harvesting Plan, Amend § 1035.3. Licensed**
2 **Timber Operator Responsibilities.**

3
4 **§ 1035.3. Licensed Timber Operator Responsibilities.**

5 Each affected licensed Timber Operator shall:

6 (a) Sign the plan and major amendments to the plan, or sign and file
7 with the Director a facsimile of such plan or amendments, agreeing to abide by
8 the terms and specifications of the plan. This shall be accomplished prior to
9 implementation of the following; which the affected LTO has responsibility for
10 implementing:

11 (1) those operations listed under the plan and

12 (2) those operations listed under any amendments proposing
13 substantial deviations from the plan.

14 (b) Inform the responsible RPF or plan submitter, whether in writing or
15 orally, of any site conditions which in the LTO's opinion prevent implementation
16 of the approved plan including amendments.

17 ~~(c) Be responsible for the work of his or her employees and familiarize~~
18 ~~all employees with the intent and details of the operational and protection~~
19 ~~measures of the plan and amendments that apply to their work.~~

20 (cd) Keep a copy of the applicable approved plan and amendments
21 available for reference at the site of active timber operations. The LTO is not
22 required to possess any confidential addenda to the plan such as the
23 Confidential Archaeological Addendum, nor is the LTO required to keep a copy
24 of such confidential plan addenda at the site of active timber operations.

25 (de) Comply with all provisions of the Act, Board rules and
26 regulations, the applicable approved plan and any approved amendments to
27 the plan.

28 (ef) In the event that the LTO executing the plan was not available to

1 attend the on-site meeting to discuss archaeological site protection with the
2 RPF or supervised designee familiar with on-site conditions pursuant to 14
3 CCRS Section 929.2 [949.2,969.2], subsection (b), it shall be the responsibility
4 of the LTO executing the plan to inquire with the plan submitter, timberland
5 owner, or their authorized agent, RPF who wrote the plan, or the supervised
6 designee familiar with on-site conditions, in order to determine if any mitigation
7 measures or specific operating instructions are contained in the Confidential
8 Archaeological Addendum or any other confidential addendum to the plan.

9 **(fg)** Provide the RPF responsible for professional advice throughout
10 the timber operations an on-site contact employee authorized by the LTO to
11 receive RPF advice.

12 **(gh)** Keep the RPF responsible for professional advice throughout the
13 timber operations advised of the status of timber operation activity.

14 **(1)** Within five days before, and not later than the day of the
15 start-up of a timber operation, the LTO shall notify the RPF of the start of timber
16 operations.

17 **(2)** Within five days before, and not later than the day of the
18 shutdown of a timber operation, the LTO shall notify the RPF of the shutdown of
19 timber operations.

20 **(A)** The notification of the shutdown of timber operations
21 is not required if the period of the shutdown does not extend beyond a
22 weekend, including a nationally designated legal holiday.

23 **(hi)** Upon receipt of written notice of an RPF's decision to withdraw
24 professional services from the plan, the LTO or on-site contact employee shall
25 cease timber operations, except for emergencies and operations needed to
26 protect water quality, until the LTO has received written notice from the plan
27 submitter that another RPF has visited the plan site and accepts responsibility
28 for providing advice regarding the plan as the RPF of record.

1 Note: Authority cited: Sections 4551, 4552 and 4571, Public Resources Code.

2 Reference: Sections 4528.5 and 4571, Public Resources Code.

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4
5 **Amend Article 6.5 Nonindustrial Timber Management Plan**

6 **Administration, § 1090.12 Licensed Timber Operator Responsibilities**

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8 **§ 1090.12 Licensed Timber Operator Responsibilities**

9 Each Licensed Timber Operator shall:

10 (a) Inform the responsible RPF and plan submitter, either in writing or
11 orally, of any site conditions which in the LTO's opinion prevent implementation
12 of the Notice.

13 ~~(b) Be responsible for the work of his or her employees and familiarize~~
14 ~~all employees with the intent and details of the operational land protection~~
15 ~~measures of the Notice and amendments that apply to their work.~~

16 (be) Keep a copy of the applicable approved Notice and amendments
17 available for reference at the site of active timber operations.

18 (cd) Comply with all provisions of the Act, Board rules and regulations,
19 the applicable Notice and any approved amendments.

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21 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13, and Section 4551, Public
22 Resources Code. Reference: Sections 4593, 4593.3, and 4594, Public
23 Resources Code.

1 **Amend Article 6.8 Program EIR and THP, § 1092.14 Licensed Timber**
2 **Operator Responsibilities**

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4 **§ 1092.14 Licensed Timber Operator Responsibilities**

5 Each affected Licensed Timber Operator shall:

6 **(a)** Sign the plan and major amendments to the plan, or sign and file with the Director a
7 facsimile of such plan or amendments, agreeing to abide by the terms and specifications of the
8 plan. This shall be accomplished prior to implementation of the following; which the affected
9 LTO has responsibility for implementing:

- 10 **1)** those operations listed under the plan and
11 **2)** those operations listed under any amendments proposing
12 substantial deviations from the plan.

13 **(b)** Inform the responsible RPF and PTHP submitter, either in writing or
14 orally, of any site conditions which in the LTO's opinion prevent implementation
15 of the PTHP.

16 ~~**(c)** Be responsible for the work of his or her employees and familiarize all~~
17 ~~employees with the intent and details of the operational land protection~~
18 ~~measures of the PTHP and amendments or minor deviations that apply to their~~
19 ~~work.~~

20 **(cd)** Keep a copy of the applicable approved PTHP and amendments
21 available for reference at the site of active timber operations. The LTO is not
22 required to possess any confidential addenda to the plan such as the
23 Confidential Archaeological Addendum, nor is the LTO required to keep a copy
24 of such confidential plan addenda at the site of active timber operations.

25 **(de)** Comply with all provisions of the Act, Board rules and regulations, the
26 applicable PTHP and any approved amendments or minor deviations.

27 **(ef)** In the event that the LTO executing the plan was not available to attend
28 the on-site meeting to discuss archaeological site protection with the RPF or

1 supervised designee familiar with on-site conditions pursuant to Section 929.2
2 [949.2, 969.2] (b), it shall be the responsibility of the LTO executing the plan to
3 inquire with the plan submitter, timberland owner, or their authorized agent,
4 RPF who wrote the plan, or the supervised designee familiar with on-site
5 conditions, in order to determine if any mitigation measures or specific
6 operating instructions are contained in the Confidential Archaeological
7 Addendum or any other confidential addendum to the plan.

8 **(fg)** Provide the RPF responsible for professional advice throughout the
9 timber operations an on-site contact employee authorized by the LTO to receive
10 RPF advice.

11 **(gh)** Keep the RPF responsible for professional advice throughout the
12 timber operations advised of the status of timber operation activity.

13 **(1)** Within five days before, and not later than the day of the
14 start-up of a timber operation, the LTO shall notify the RPF of the start of
15 timber operations.

16 **(2)** Within five days before, and not later than the day of the
17 shutdown of a timber operation, the LTO shall notify the RPF of the shutdown
18 of timber operations.

19 **(A)** The notification of the shutdown of timber operations
20 is not required if the period of the shutdown does not extend beyond a
21 weekend, including a nationally designated legal holiday.

22 **(hi)** Upon receipt of written notice of an RPF's decision to withdraw
23 professional services from the plan, the LTO or on-site contact employee shall
24 cease timber operations, except for emergencies and operations needed to
25 protect water quality, until the LTO has received written notice from the plan
26 submitter that another RPF has visited the plan site and accepts responsibility
27 for providing advice regarding the plan as the RPF of record.

1 Note: Authority cited: Sections 4551, 4552 and 4571, Public Resources Code. Reference:
2 Sections 4551, 4551.5 and 4582, Public Resources Code.

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