notifies the employer within 90 days from the time the employee discovers that he is disabled.[24] While the claim of an employee may be barred by the failure to give notice as specified in the act, this failure has been construed not to bar the claim of the employee's family. The right of the family under the Occupational Disease act is independent and not derivative. This construction is the same as that given to the comparable notice provisions in the Workmen's Compensation Act.

The employee is barred of his right to compensation unless within one year after the disability begins the parties have agreed upon the compensation payable or unless one of the parties has filed a claim petition before the Workmen's Compensation Board. This one year time limitation is also applicable to death resulting from occupational disease.[25]

The administration of the act is the function of the Workmen's Compensation Board, the Workmen's Compensation Referees, and the Workmen's Compensation Bureau in the Department of Labor and Industry. The Workmen's Compensation Board is a quasi-judicial, administrative body, which was created under the authority granted by the Workmen's Compensation Act of 1915. The Board hears and determines petitions and appeals from the decisions of the referees in contested workmen's compensation cases. The Board consists of three members appointed by the Governor. The Secretary of Labor and Industry is an *ex officio* member who does not participate in the cases presented to the Board for its decision. Cases are presented initially to a referee. Claimants may appeal a decision of the referee to the Workmen's Compensation Board. Petitions, other than claim petitions, are heard by one or more members of the Board, or assigned to the referee for a hearing.[26]

Administrative Rules and Regulations

Many administrative rules and regulations have been promulgated by the Department of Labor and Industry to implement the several industrial health statutes which the Department enforces.[27] A

[24] *Id.* at § 311, 77 P.S. § 1411. See *Tracey v. M. & S. Coal Co.*, 165 Pa. Super. 569, 69 A. 2d 184 (1949), and *Velent v. Berwind-White Coal Mining Co.*, 173 Pa. Super. 505, 98 A. 2d 197 (1953), as upholding rule that the ninety-day limitation begins to run from time that employee definitely knows that he is disabled.

[25] *Id.* at § 315, 77 P.S. § 1415.

[26] *Id.* at §§ 403 to 434, 77 P.S. §§ 1503 to 1534.

[27] As of 1950 some sixty "safety regulations" had been promulgated by the De-