

AMENDED IN ASSEMBLY JULY 10, 2023

AMENDED IN ASSEMBLY JUNE 20, 2023

AMENDED IN SENATE MAY 22, 2023

AMENDED IN SENATE APRIL 17, 2023

AMENDED IN SENATE MARCH 28, 2023

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL**No. 553**

Introduced by Senator Cortese
(Coauthor: Assembly Member Kalra)

February 15, 2023

An act to amend, repeal, and add Section 527.8 of the Code of Civil Procedure, and to amend Section 6401.7 of, and to add Section 6401.9 to, the Labor Code, relating to occupational safety.

Cal-OSHA Reporter®
A WEEKLY PUBLICATION FOR THE OCCUPATIONAL SAFETY AND HEALTH COMMUNITY
LEGISLATIVE COUNSEL'S DIGEST

SB 553, as amended, Cortese. Occupational safety: workplace violence: restraining orders and workplace violence prevention plan.

Existing law authorizes any employer, whose employee has suffered unlawful violence or a credible threat of violence from any individual that can reasonably be construed to be carried out or to have been carried out at the workplace, to seek a temporary restraining order and an order after hearing on behalf of the employee and other employees at the workplace, as described.

~~This bill would,~~ bill, commencing January 1, 2025, *would* also authorize a collective bargaining representative of an employee, as described, to seek a temporary restraining order and an order after

hearing on behalf of the employee and other employees at the workplace, as described. *The bill would require an employer or collective bargaining representative of an employee, before filing such a petition, to provide the employee who has suffered unlawful violence or a credible threat of violence from any individual an opportunity to decline to be named in the temporary restraining order. Under the bill, an employee's request to not be named in the temporary restraining order would not prohibit an employer or collective bargaining representative from seeking a temporary restraining order on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.* The bill would make various conforming changes.

Existing law, the California Occupational Safety and Health Act of 1973, imposes safety responsibilities on employers and employees, including the requirement that an employer establish, implement, and maintain an effective injury prevention program, and makes specified violations of these provisions a crime. The act is enforced by the Division of Occupational Safety and Health within the Department of Industrial Relations, including the enforcement of standards adopted by the Occupational Safety and Health Standards Board.

This bill would require every employer, as defined, to also establish, implement, and maintain, at all times in all of the employer's facilities, a workplace violence prevention plan as part of the injury prevention program, as described. The bill would require the employer to record information in a violent incident log about every incident, postincident response, and workplace violence injury investigation required to be performed as part of the workplace violence prevention plan, as described. The bill would require the employer to establish and implement a system to review, at least annually and in conjunction with employees and their collective bargaining representatives, if any, the effectiveness of the workplace violence prevention plan, as described. The bill would require the employer to provide effective training to employees that addresses the workplace violence risks that employees may reasonably anticipate to encounter in their jobs, as described. The bill would require records of workplace violence hazard identification, evaluation, and correction to be created and maintained in accordance with specified law, except as provided. The bill would provide that an employer shall not prohibit an employee from, and shall not take punitive or retaliatory action against an employee for, seeking assistance and intervention from local emergency services or law enforcement when a violent incident occurs.

Because this bill would expand the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 527.8 of the Code of Civil Procedure is
2 amended to read:

3 527.8. (a) Any employer, whose employee has suffered
4 unlawful violence or a credible threat of violence from any
5 individual, that can reasonably be construed to be carried out or
6 to have been carried out at the workplace, may seek a temporary
7 restraining order and an order after hearing on behalf of the
8 employee and, at the discretion of the court, any number of other
9 employees at the workplace, and, if appropriate, other employees
10 at other workplaces of the employer.

11 (b) For purposes of this section:

12 (1) "Course of conduct" is a pattern of conduct composed of a
13 series of acts over a period of time, however short, evidencing a
14 continuity of purpose, including following or stalking an employee
15 to or from the place of work; entering the workplace; following
16 an employee during hours of employment; making telephone calls
17 to an employee; or sending correspondence to an employee by any
18 means, including, but not limited to, the use of the public or private
19 mails, interoffice mail, facsimile, or computer email.

20 (2) "Credible threat of violence" is a knowing and willful
21 statement or course of conduct that would place a reasonable person
22 in fear for their safety, or the safety of their immediate family, and
23 that serves no legitimate purpose.

24 (3) "Employer" and "employee" mean persons defined in
25 Section 350 of the Labor Code. "Employer" also includes a federal
26 agency, the state, a state agency, a city, county, or district, and a
27 private, public, or quasi-public corporation, or any public agency
28 thereof or therein. "Employee" also includes the members of boards

1 of directors of private, public, and quasi-public corporations and
2 elected and appointed public officers. For purposes of this section
3 only, “employee” also includes a volunteer or independent
4 contractor who performs services for the employer at the
5 employer’s worksite.

6 (4) “Petitioner” means the employer that petitions under
7 subdivision (a) for a temporary restraining order and order after
8 hearing.

9 (5) “Respondent” means the person against whom the temporary
10 restraining order and order after hearing are sought and, if the
11 petition is granted, the restrained person.

12 (6) “Temporary restraining order” and “order after hearing”
13 mean orders that include any of the following restraining orders,
14 whether issued ex parte or after notice and hearing:

15 (A) An order enjoining a party from harassing, intimidating,
16 molesting, attacking, striking, stalking, threatening, sexually
17 assaulting, battering, abusing, telephoning, including, but not
18 limited to, making annoying telephone calls as described in Section
19 653m of the Penal Code, destroying personal property, contacting,
20 either directly or indirectly, by mail or otherwise, or coming within
21 a specified distance of, or disturbing the peace of, the employee.

22 (B) An order enjoining a party from specified behavior that the
23 court determines is necessary to effectuate orders described in
24 subparagraph (A).

25 (7) “Unlawful violence” is any assault or battery, or stalking as
26 prohibited in Section 646.9 of the Penal Code, but shall not include
27 lawful acts of self-defense or defense of others.

28 (c) This section does not permit a court to issue a temporary
29 restraining order or order after hearing prohibiting speech or other
30 activities that are constitutionally protected, or otherwise protected
31 by Section 527.3 or any other provision of law.

32 (d) In the discretion of the court, on a showing of good cause,
33 a temporary restraining order or order after hearing issued under
34 this section may include other named family or household
35 members, or other persons employed at the employee’s workplace
36 or workplaces.

37 (e) Upon filing a petition under this section, the petitioner may
38 obtain a temporary restraining order in accordance with subdivision
39 (a) of Section 527, if the petitioner also files a declaration that, to
40 the satisfaction of the court, shows reasonable proof that an

1 employee has suffered unlawful violence or a credible threat of
2 violence by the respondent, and that great or irreparable harm
3 would result to an employee. The temporary restraining order may
4 include any of the protective orders described in paragraph (6) of
5 subdivision (b).

6 (f) A request for the issuance of a temporary restraining order
7 without notice under this section shall be granted or denied on the
8 same day that the petition is submitted to the court, unless the
9 petition is filed too late in the day to permit effective review, in
10 which case the order shall be granted or denied on the next day of
11 judicial business in sufficient time for the order to be filed that day
12 with the clerk of the court.

13 (g) A temporary restraining order granted under this section
14 shall remain in effect, at the court's discretion, for a period not to
15 exceed 21 days, or if the court extends the time for hearing under
16 subdivision (h), not to exceed 25 days, unless otherwise modified
17 or terminated by the court.

18 (h) Within 21 days, or if good cause appears to the court, 25
19 days from the date that a petition for a temporary order is granted
20 or denied, a hearing shall be held on the petition. If no request for
21 temporary orders is made, the hearing shall be held within 21 days,
22 or, if good cause appears to the court, 25 days, from the date that
23 the petition is filed.

24 (i) The respondent may file a response that explains, excuses,
25 justifies, or denies the alleged unlawful violence or credible threats
26 of violence.

27 (j) At the hearing, the judge shall receive any testimony that is
28 relevant and may make an independent inquiry. Moreover, if the
29 respondent is a current employee of the entity requesting the order,
30 the judge shall receive evidence concerning the employer's decision
31 to retain, terminate, or otherwise discipline the respondent. If the
32 judge finds by clear and convincing evidence that the respondent
33 engaged in unlawful violence or made a credible threat of violence,
34 an order shall issue prohibiting further unlawful violence or threats
35 of violence.

36 (k) (1) In the discretion of the court, an order issued after notice
37 and hearing under this section may have a duration of not more
38 than three years, subject to termination or modification by further
39 order of the court either on written stipulation filed with the court
40 or on the motion of a party. These orders may be renewed, upon

1 the request of a party, for a duration of not more than three years,
2 without a showing of any further violence or threats of violence
3 since the issuance of the original order, subject to termination or
4 modification by further order of the court either on written
5 stipulation filed with the court or on the motion of a party. The
6 request for renewal may be brought at any time within the three
7 months before the expiration of the order.

8 (2) The failure to state the expiration date on the face of the
9 form creates an order with a duration of three years from the date
10 of issuance.

11 (3) If an action is filed for the purpose of terminating or
12 modifying a protective order prior to the expiration date specified
13 in the order by a party other than the protected party, the party
14 who is protected by the order shall be given notice, pursuant to
15 subdivision (b) of Section 1005, of the proceeding by personal
16 service or, if the protected party has satisfied the requirements of
17 Chapter 3.1 (commencing with Section 6205) of Division 7 of
18 Title 1 of the Government Code, by service on the Secretary of
19 State. If the party who is protected by the order cannot be notified
20 prior to the hearing for modification or termination of the protective
21 order, the court shall deny the motion to modify or terminate the
22 order without prejudice or continue the hearing until the party who
23 is protected can be properly noticed and may, upon a showing of
24 good cause, specify another method for service of process that is
25 reasonably designed to afford actual notice to the protected party.
26 The protected party may waive their right to notice if they are
27 physically present in court and does not challenge the sufficiency
28 of the notice.

29 (l) This section does not preclude either party from
30 representation by private counsel or from appearing on the party's
31 own behalf.

32 (m) Upon filing of a petition under this section, the respondent
33 shall be personally served with a copy of the petition, temporary
34 restraining order, if any, and notice of hearing of the petition.
35 Service shall be made at least five days before the hearing. The
36 court may, for good cause, on motion of the petitioner or on its
37 own motion, shorten the time for service on the respondent.

38 (n) A notice of hearing under this section shall notify the
39 respondent that, if they do not attend the hearing, the court may
40 make orders against them that could last up to three years.

1 (o) The respondent shall be entitled, as a matter of course, to
2 one continuance, for a reasonable period, to respond to the petition.

3 (p) (1) Either party may request a continuance of the hearing,
4 which the court shall grant on a showing of good cause. The request
5 may be made in writing before or at the hearing or orally at the
6 hearing. The court may also grant a continuance on its own motion.

7 (2) If the court grants a continuance, any temporary restraining
8 order that has been granted shall remain in effect until the end of
9 the continued hearing, unless otherwise ordered by the court. In
10 granting a continuance, the court may modify or terminate a
11 temporary restraining order.

12 (q) (1) If a respondent, named in a restraining order issued
13 under this section after a hearing, has not been served personally
14 with the order but has received actual notice of the existence and
15 substance of the order through personal appearance in court to
16 hear the terms of the order from the court, no additional proof of
17 service is required for enforcement of the order.

18 (2) If the respondent named in a temporary restraining order is
19 personally served with the order and notice of hearing with respect
20 to a restraining order or protective order based on the temporary
21 restraining order, but the person does not appear at the hearing,
22 either personally or by an attorney, and the terms and conditions
23 of the restraining order or protective order issued at the hearing
24 are identical to the temporary restraining order, except for the
25 duration of the order, then the restraining order or protective order
26 issued at the hearing may be served on the person by first-class
27 mail sent to that person at the most current address for the person
28 available to the court.

29 (3) The Judicial Council form for temporary orders issued
30 pursuant to this subdivision shall contain a statement in
31 substantially the following form:

32
33 “If you have been personally served with this temporary
34 restraining order and notice of hearing, but you do not appear at
35 the hearing either in person or by a lawyer, and a restraining order
36 that is the same as this restraining order except for the expiration
37 date is issued at the hearing, a copy of the order will be served on
38 you by mail at the following address: ____.

39 If that address is not correct or you wish to verify that the
40 temporary restraining order was converted to a restraining order

1 at the hearing without substantive change and to find out the
2 duration of that order, contact the clerk of the court.”

3
4 (r) (1) Information on a temporary restraining order or order
5 after hearing relating to workplace violence issued by a court
6 pursuant to this section shall be transmitted to the Department of
7 Justice in accordance with either paragraph (2) or (3).

8 (2) The court shall order the petitioner or the attorney for the
9 petitioner to deliver a copy of any order issued under this section,
10 or a reissuance, extension, modification, or termination of the
11 order, and any subsequent proof of service, by the close of the
12 business day on which the order, reissuance, extension,
13 modification, or termination was made, to each law enforcement
14 agency having jurisdiction over the residence of the petitioner and
15 to any additional law enforcement agencies within the court’s
16 discretion as are requested by the petitioner.

17 (3) Alternatively, the court or its designee shall transmit, within
18 one business day, to law enforcement personnel all information
19 required under subdivision (b) of Section 6380 of the Family Code
20 regarding any order issued under this section, or a reissuance,
21 extension, modification, or termination of the order, and any
22 subsequent proof of service, by either one of the following
23 methods:

24 (A) Transmitting a physical copy of the order or proof of service
25 to a local law enforcement agency authorized by the Department
26 of Justice to enter orders into the California Law Enforcement
27 Telecommunications System (CLETS).

28 (B) With the approval of the Department of Justice, entering
29 the order or proof of service into CLETS directly.

30 (4) Each appropriate law enforcement agency shall make
31 available information as to the existence and current status of these
32 orders to law enforcement officers responding to the scene of
33 reported unlawful violence or a credible threat of violence.

34 (5) At the request of the petitioner, an order issued under this
35 section shall be served on the respondent, regardless of whether
36 the respondent has been taken into custody, by any law
37 enforcement officer who is present at the scene of reported
38 unlawful violence or a credible threat of violence involving the
39 parties to the proceedings. The petitioner shall provide the officer

1 with an endorsed copy of the order and proof of service that the
2 officer shall complete and send to the issuing court.

3 (6) Upon receiving information at the scene of an incident of
4 unlawful violence or a credible threat of violence that a protective
5 order has been issued under this section, or that a person who has
6 been taken into custody is the subject of an order, if the petitioner
7 or the protected person cannot produce an endorsed copy of the
8 order, a law enforcement officer shall immediately attempt to
9 verify the existence of the order.

10 (7) If the law enforcement officer determines that a protective
11 order has been issued but not served, the officer shall immediately
12 notify the respondent of the terms of the order and obtain the
13 respondent's address. The law enforcement officer shall at that
14 time also enforce the order, but may not arrest or take the
15 respondent into custody for acts in violation of the order that were
16 committed prior to the verbal notice of the terms and conditions
17 of the order. The law enforcement officer's verbal notice of the
18 terms of the order shall constitute service of the order and
19 constitutes sufficient notice for the purposes of this section and
20 for the purposes of Section 29825 of the Penal Code. The petitioner
21 shall mail an endorsed copy of the order to the respondent's mailing
22 address provided to the law enforcement officer within one
23 business day of the reported incident of unlawful violence or a
24 credible threat of violence at which a verbal notice of the terms of
25 the order was provided by a law enforcement officer.

26 (s) (1) A person subject to a protective order issued under this
27 section shall not own, possess, purchase, receive, or attempt to
28 purchase or receive a firearm or ammunition while the protective
29 order is in effect.

30 (2) The court shall order a person subject to a protective order
31 issued under this section to relinquish any firearms they own or
32 possess pursuant to Section 527.9.

33 (3) Every person who owns, possesses, purchases or receives,
34 or attempts to purchase or receive a firearm or ammunition while
35 the protective order is in effect is punishable pursuant to Section
36 29825 of the Penal Code.

37 (t) Any intentional disobedience of any temporary restraining
38 order or order after hearing granted under this section is punishable
39 pursuant to Section 273.6 of the Penal Code.

1 (u) This section shall not be construed as expanding,
2 diminishing, altering, or modifying the duty, if any, of an employer
3 to provide a safe workplace for employees and other persons.

4 (v) (1) The Judicial Council shall develop forms, instructions,
5 and rules for relating to matters governed by this section. The
6 forms for the petition and response shall be simple and concise,
7 and their use by parties in actions brought pursuant to this section
8 shall be mandatory.

9 (2) A temporary restraining order or order after hearing relating
10 to unlawful violence or a credible threat of violence issued by a
11 court pursuant to this section shall be issued on forms adopted by
12 the Judicial Council of California and that have been approved by
13 the Department of Justice pursuant to subdivision (i) of Section
14 6380 of the Family Code. However, the fact that an order issued
15 by a court pursuant to this section was not issued on forms adopted
16 by the Judicial Council and approved by the Department of Justice
17 shall not, in and of itself, make the order unenforceable.

18 (w) There is no filing fee for a petition that alleges that a person
19 has inflicted or threatened violence against an employee of the
20 petitioner, or stalked the employee, or acted or spoken in any other
21 manner that has placed the employee in reasonable fear of violence,
22 and that seeks a protective or restraining order restraining stalking
23 or future violence or threats of violence, in any action brought
24 pursuant to this section. A fee shall not be paid for a subpoena
25 filed in connection with a petition alleging these acts. A fee shall
26 not be paid for filing a response to a petition alleging these acts.

27 (x) (1) Subject to paragraph (4) of subdivision (b) of Section
28 6103.2 of the Government Code, there shall be no fee for the
29 service of process by a sheriff or marshal of a temporary restraining
30 order or order after hearing to be issued pursuant to this section if
31 either of the following conditions applies:

32 (A) The temporary restraining order or order after hearing issued
33 pursuant to this section is based upon stalking, as prohibited by
34 Section 646.9 of the Penal Code.

35 (B) The temporary restraining order or order after hearing issued
36 pursuant to this section is based on unlawful violence or a credible
37 threat of violence.

38 (2) The Judicial Council shall prepare and develop forms for
39 persons who wish to avail themselves of the services described in
40 this subdivision.

(y) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 2. Section 527.8 is added to the Code of Civil Procedure, to read:

527.8. (a) Any employer or collective bargaining representative of an employee who has suffered unlawful violence or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace, may seek a temporary restraining order and an order after hearing on behalf of the employee and, at the discretion of the court, any number of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer. For purposes of this section only, a person may bring a petition for a temporary restraining order and an order after hearing on behalf of an employee as their collective bargaining representative only if the person serves as a collective bargaining representative for that employee in employment or labor matters at the employee's workplace.

(b) For purposes of this section:

(1) "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an employee to or from the place of work; entering the workplace; following an employee during hours of employment; making telephone calls to an employee; or sending correspondence to an employee by any means, including, but not limited to, the use of the public or private mails, interoffice mail, facsimile, or computer email.

(2) "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family, and that serves no legitimate purpose.

(3) "Employer" and "employee" mean persons defined in Section 350 of the Labor Code. "Employer" also includes a federal agency, the state, a state agency, a city, county, or district, and a private, public, or quasi-public corporation, or any public agency thereof or therein. "Employee" also includes the members of boards of directors of private, public, and quasi-public corporations and elected and appointed public officers. For purposes of this section only, "employee" also includes a volunteer or independent

1 contractor who performs services for the employer at the
2 employer's worksite.

3 (4) "Petitioner" means the employer or collective bargaining
4 representative that petitions under subdivision (a) for a temporary
5 restraining order and order after hearing.

6 (5) "Respondent" means the person against whom the temporary
7 restraining order and order after hearing are sought and, if the
8 petition is granted, the restrained person.

9 (6) "Temporary restraining order" and "order after hearing"
10 mean orders that include any of the following restraining orders,
11 whether issued ex parte or after notice and hearing:

12 (A) An order enjoining a party from harassing, intimidating,
13 molesting, attacking, striking, stalking, threatening, sexually
14 assaulting, battering, abusing, telephoning, including, but not
15 limited to, making annoying telephone calls as described in Section
16 653m of the Penal Code, destroying personal property, contacting,
17 either directly or indirectly, by mail or otherwise, or coming within
18 a specified distance of, or disturbing the peace of, the employee.

19 (B) An order enjoining a party from specified behavior that the
20 court determines is necessary to effectuate orders described in
21 subparagraph (A).

22 (7) "Unlawful violence" is any assault or battery, or stalking as
23 prohibited in Section 646.9 of the Penal Code, but shall not include
24 lawful acts of self-defense or defense of others.

25 (c) This section does not permit a court to issue a temporary
26 restraining order or order after hearing prohibiting speech or other
27 activities that are constitutionally protected, protected by the
28 National Labor Relations Act (29 U.S.C. Sec. 151 et seq.),
29 protected by Chapter 11.5 (commencing with Section 3555) of
30 Division 4 of Title 1 of the Government Code, or otherwise
31 protected by Section 527.3 or any other provision of law.

32 (d) In the discretion of the court, on a showing of good cause,
33 a temporary restraining order or order after hearing issued under
34 this section may include other named family or household
35 members, or other persons employed at the employee's workplace
36 or workplaces.

37 (e) *Before filing a petition under this section, an employer or*
38 *collective bargaining representative of an employee shall provide*
39 *the employee who has suffered unlawful violence or a credible*
40 *threat of violence from any individual an opportunity to decline*

1 *to be named in the temporary restraining order. An employee's*
 2 *request to not be named in the temporary restraining order shall*
 3 *not prohibit an employer or collective bargaining representative*
 4 *from seeking a temporary restraining order on behalf of other*
 5 *employees at the workplace, and, if appropriate, other employees*
 6 *at other workplaces of the employer.*

7 (e)

8 (f) Upon filing a petition under this section, the petitioner may
 9 obtain a temporary restraining order in accordance with subdivision
 10 (a) of Section 527, if the petitioner also files a declaration that, to
 11 the satisfaction of the court, shows reasonable proof that an
 12 employee has suffered unlawful violence or a credible threat of
 13 violence by the respondent, and that great or irreparable harm
 14 would result to an employee. The temporary restraining order may
 15 include any of the protective orders described in paragraph (6) of
 16 subdivision (b).

17 (f)

18 (g) A request for the issuance of a temporary restraining order
 19 without notice under this section shall be granted or denied on the
 20 same day that the petition is submitted to the court, unless the
 21 petition is filed too late in the day to permit effective review, in
 22 which case the order shall be granted or denied on the next day of
 23 judicial business in sufficient time for the order to be filed that day
 24 with the clerk of the court.

25 (g)

26 (h) A temporary restraining order granted under this section
 27 shall remain in effect, at the court's discretion, for a period not to
 28 exceed 21 days, or if the court extends the time for hearing under
 29 subdivision ~~(h)~~; (i), not to exceed 25 days, unless otherwise
 30 modified or terminated by the court.

31 ~~(h)~~

32 (i) Within 21 days, or if good cause appears to the court, 25
 33 days from the date that a petition for a temporary order is granted
 34 or denied, a hearing shall be held on the petition. If no request for
 35 temporary orders is made, the hearing shall be held within 21 days,
 36 or, if good cause appears to the court, 25 days, from the date that
 37 the petition is filed.

38 (i)

1 (j) The respondent may file a response that explains, excuses,
2 justifies, or denies the alleged unlawful violence or credible threats
3 of violence.

4 (j)

5 (k) At the hearing, the judge shall receive any testimony that is
6 relevant and may make an independent inquiry. Moreover, if the
7 respondent is currently employed by the employer of the employee,
8 as described in subdivision (a), the judge shall receive evidence
9 concerning the employer's decision to retain, terminate, or
10 otherwise discipline the respondent. If the judge finds by clear and
11 convincing evidence that the respondent engaged in unlawful
12 violence or made a credible threat of violence, an order shall issue
13 prohibiting further unlawful violence or threats of violence.

14 (k)

15 (l) (1) In the discretion of the court, an order issued after notice
16 and hearing under this section may have a duration of not more
17 than three years, subject to termination or modification by further
18 order of the court either on written stipulation filed with the court
19 or on the motion of a party. These orders may be renewed, upon
20 the request of a party, for a duration of not more than three years,
21 without a showing of any further violence or threats of violence
22 since the issuance of the original order, subject to termination or
23 modification by further order of the court either on written
24 stipulation filed with the court or on the motion of a party. The
25 request for renewal may be brought at any time within the three
26 months before the expiration of the order.

27 (2) The failure to state the expiration date on the face of the
28 form creates an order with a duration of three years from the date
29 of issuance.

30 (3) If an action is filed for the purpose of terminating or
31 modifying a protective order prior to the expiration date specified
32 in the order by a party other than the protected party, the party
33 who is protected by the order shall be given notice, pursuant to
34 subdivision (b) of Section 1005, of the proceeding by personal
35 service or, if the protected party has satisfied the requirements of
36 Chapter 3.1 (commencing with Section 6205) of Division 7 of
37 Title 1 of the Government Code, by service on the Secretary of
38 State. If the party who is protected by the order cannot be notified
39 prior to the hearing for modification or termination of the protective
40 order, the court shall deny the motion to modify or terminate the

order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive their right to notice if they are physically present in court and does not challenge the sufficiency of the notice.

~~(t)~~

(m) This section does not preclude any party from representation by private counsel or from appearing on the party's own behalf.

~~(m)~~

(n) Upon filing of a petition under this section, the respondent shall be personally served with a copy of the petition, temporary restraining order, if any, and notice of hearing of the petition. Service shall be made at least five days before the hearing. The court may, for good cause, on motion of the petitioner or on its own motion, shorten the time for service on the respondent.

~~(n)~~

(o) A notice of hearing under this section shall notify the respondent that, if they do not attend the hearing, the court may make orders against them that could last up to three years.

~~(o)~~

(p) The respondent shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition.

~~(p)~~

(q) (1) Any party may request a continuance of the hearing, which the court shall grant on a showing of good cause. The request may be made in writing before or at the hearing or orally at the hearing. The court may also grant a continuance on its own motion.

(2) If the court grants a continuance, any temporary restraining order that has been granted shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court. In granting a continuance, the court may modify or terminate a temporary restraining order.

~~(q)~~

(r) (1) If a respondent, named in a restraining order issued under this section after a hearing, has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to

1 hear the terms of the order from the court, no additional proof of
2 service is required for enforcement of the order.

3 (2) If the respondent named in a temporary restraining order is
4 personally served with the order and notice of hearing with respect
5 to a restraining order or protective order based on the temporary
6 restraining order, but the person does not appear at the hearing,
7 either personally or by an attorney, and the terms and conditions
8 of the restraining order or protective order issued at the hearing
9 are identical to the temporary restraining order, except for the
10 duration of the order, then the restraining order or protective order
11 issued at the hearing may be served on the person by first-class
12 mail sent to that person at the most current address for the person
13 available to the court.

14 (3) The Judicial Council form for temporary orders issued
15 pursuant to this subdivision shall contain a statement in
16 substantially the following form:

17
18 “If you have been personally served with this temporary
19 restraining order and notice of hearing, but you do not appear at
20 the hearing either in person or by a lawyer, and a restraining order
21 that is the same as this restraining order except for the expiration
22 date is issued at the hearing, a copy of the order will be served on
23 you by mail at the following address: ____.

24 If that address is not correct or you wish to verify that the
25 temporary restraining order was converted to a restraining order
26 at the hearing without substantive change and to find out the
27 duration of that order, contact the clerk of the court.”

28
29 (r)

30 (s) (1) Information on a temporary restraining order or order
31 after hearing relating to workplace violence issued by a court
32 pursuant to this section shall be transmitted to the Department of
33 Justice in accordance with either paragraph (2) or (3).

34 (2) The court shall order the petitioner or the attorney for the
35 petitioner to deliver a copy of any order issued under this section,
36 or a reissuance, extension, modification, or termination of the
37 order, and any subsequent proof of service, by the close of the
38 business day on which the order, reissuance, extension,
39 modification, or termination was made, to each law enforcement
40 agency having jurisdiction over the residence of the petitioner and

1 to any additional law enforcement agencies within the court's
2 discretion as are requested by the petitioner.

3 (3) Alternatively, the court or its designee shall transmit, within
4 one business day, to law enforcement personnel all information
5 required under subdivision (b) of Section 6380 of the Family Code
6 regarding any order issued under this section, or a reissuance,
7 extension, modification, or termination of the order, and any
8 subsequent proof of service, by either one of the following
9 methods:

10 (A) Transmitting a physical copy of the order or proof of service
11 to a local law enforcement agency authorized by the Department
12 of Justice to enter orders into the California Law Enforcement
13 Telecommunications System (CLETS).

14 (B) With the approval of the Department of Justice, entering
15 the order or proof of service into CLETS directly.

16 (4) Each appropriate law enforcement agency shall make
17 available information as to the existence and current status of these
18 orders to law enforcement officers responding to the scene of
19 reported unlawful violence or a credible threat of violence.

20 (5) At the request of the petitioner, an order issued under this
21 section shall be served on the respondent, regardless of whether
22 the respondent has been taken into custody, by any law
23 enforcement officer who is present at the scene of reported
24 unlawful violence or a credible threat of violence involving the
25 parties to the proceedings. The petitioner shall provide the officer
26 with an endorsed copy of the order and proof of service that the
27 officer shall complete and send to the issuing court.

28 (6) Upon receiving information at the scene of an incident of
29 unlawful violence or a credible threat of violence that a protective
30 order has been issued under this section, or that a person who has
31 been taken into custody is the subject of an order, if the petitioner
32 or the protected person cannot produce an endorsed copy of the
33 order, a law enforcement officer shall immediately attempt to
34 verify the existence of the order.

35 (7) If the law enforcement officer determines that a protective
36 order has been issued but not served, the officer shall immediately
37 notify the respondent of the terms of the order and obtain the
38 respondent's address. The law enforcement officer shall at that
39 time also enforce the order, but may not arrest or take the
40 respondent into custody for acts in violation of the order that were

1 committed prior to the verbal notice of the terms and conditions
2 of the order. The law enforcement officer's verbal notice of the
3 terms of the order shall constitute service of the order and
4 constitutes sufficient notice for the purposes of this section and
5 for the purposes of Section 29825 of the Penal Code. The petitioner
6 shall mail an endorsed copy of the order to the respondent's mailing
7 address provided to the law enforcement officer within one
8 business day of the reported incident of unlawful violence or a
9 credible threat of violence at which a verbal notice of the terms of
10 the order was provided by a law enforcement officer.

11 (s)

12 (t) (1) A person subject to a protective order issued under this
13 section shall not own, possess, purchase, receive, or attempt to
14 purchase or receive a firearm or ammunition while the protective
15 order is in effect.

16 (2) The court shall order a person subject to a protective order
17 issued under this section to relinquish any firearms they own or
18 possess pursuant to Section 527.9.

19 (3) Every person who owns, possesses, purchases or receives,
20 or attempts to purchase or receive a firearm or ammunition while
21 the protective order is in effect is punishable pursuant to Section
22 29825 of the Penal Code.

23 (t)

24 (u) Any intentional disobedience of any temporary restraining
25 order or order after hearing granted under this section is punishable
26 pursuant to Section 273.6 of the Penal Code.

27 (u)

28 (v) This section shall not be construed as expanding,
29 diminishing, altering, or modifying the duty, if any, of an employer
30 to provide a safe workplace for employees and other persons.

31 (v)

32 (w) (1) The Judicial Council shall develop forms, instructions,
33 and rules for relating to matters governed by this section. The
34 forms for the petition and response shall be simple and concise,
35 and their use by parties in actions brought pursuant to this section
36 shall be mandatory.

37 (2) A temporary restraining order or order after hearing relating
38 to unlawful violence or a credible threat of violence issued by a
39 court pursuant to this section shall be issued on forms adopted by
40 the Judicial Council of California and that have been approved by

1 the Department of Justice pursuant to subdivision (i) of Section
2 6380 of the Family Code. However, the fact that an order issued
3 by a court pursuant to this section was not issued on forms adopted
4 by the Judicial Council and approved by the Department of Justice
5 shall not, in and of itself, make the order unenforceable.

6 ~~(w)~~

7 (x) There is no filing fee for a petition that alleges that a person
8 has inflicted or threatened violence against an employee employed
9 or represented by the petitioner, or stalked the employee, or acted
10 or spoken in any other manner that has placed the employee in
11 reasonable fear of violence, and that seeks a protective or
12 restraining order restraining stalking or future violence or threats
13 of violence, in any action brought pursuant to this section. A fee
14 shall not be paid for a subpoena filed in connection with a petition
15 alleging these acts. A fee shall not be paid for filing a response to
16 a petition alleging these acts.

17 ~~(x)~~

18 (y) (1) Subject to paragraph (4) of subdivision (b) of Section
19 6103.2 of the Government Code, there shall be no fee for the
20 service of process by a sheriff or marshal of a temporary restraining
21 order or order after hearing to be issued pursuant to this section if
22 either of the following conditions applies:

23 (A) The temporary restraining order or order after hearing issued
24 pursuant to this section is based upon stalking, as prohibited by
25 Section 646.9 of the Penal Code.

26 (B) The temporary restraining order or order after hearing issued
27 pursuant to this section is based on unlawful violence or a credible
28 threat of violence.

29 (2) The Judicial Council shall prepare and develop forms for
30 persons who wish to avail themselves of the services described in
31 this subdivision.

32 ~~(y)~~

33 (z) This section shall be operative on January 1, 2025.

34 SEC. 3. Section 6401.7 of the Labor Code is amended to read:

35 6401.7. (a) Every employer shall establish, implement, and
36 maintain an effective injury prevention program. The program
37 shall be written, except as provided in subdivision (e), and shall
38 include, but not be limited to, the following elements:

39 (1) Identification of the person or persons responsible for
40 implementing the program.

1 (2) The employer's system for identifying and evaluating
2 workplace hazards, including scheduled periodic inspections to
3 identify unsafe conditions and work practices.

4 (3) The employer's methods and procedures for correcting
5 unsafe or unhealthy conditions and work practices in a timely
6 manner.

7 (4) An occupational health and safety training program designed
8 to instruct employees in general safe and healthy work practices
9 and to provide specific instruction with respect to hazards specific
10 to each employee's job assignment.

11 (5) The employer's system for communicating with employees
12 on occupational health and safety matters, including provisions
13 designed to encourage employees to inform the employer of
14 hazards at the worksite without fear of reprisal.

15 (6) The employer's system for ensuring that employees comply
16 with safe and healthy work practices, which may include
17 disciplinary action.

18 (7) A workplace violence prevention plan conforming to the
19 requirements of Section 6401.9.

20 (b) The employer shall correct unsafe and unhealthy conditions
21 and work practices in a timely manner based on the severity of the
22 hazard.

23 (c) The employer shall train all employees when the training
24 program is first established, all new employees, and all employees
25 given a new job assignment, and shall train employees whenever
26 new substances, processes, procedures, or equipment are introduced
27 to the workplace and represent a new hazard, and whenever the
28 employer receives notification of a new or previously unrecognized
29 hazard. An employer in the construction industry who is required
30 to be licensed under Chapter 9 (commencing with Section 7000)
31 of Division 3 of the Business and Professions Code may use
32 employee training provided to the employer's employees under a
33 construction industry occupational safety and health training
34 program approved by the division to comply with the requirements
35 of subdivision (a) relating to employee training, and shall only be
36 required to provide training on hazards specific to an employee's
37 job duties.

38 (d) The employer shall keep appropriate records of steps taken
39 to implement and maintain the program. An employer in the
40 construction industry who is required to be licensed under Chapter

9 (commencing with Section 7000) of Division 3 of the Business and Professions Code may use records relating to employee training provided to the employer in connection with an occupational safety and health training program approved by the division to comply with this subdivision, and shall only be required to keep records of those steps taken to implement and maintain the program with respect to hazards specific to an employee's job duties.

(e) (1) The standards board shall adopt a standard setting forth the employer's duties under this section, on or before January 1, 1991, consistent with the requirements specified in subdivisions (a), (b), (c), and (d). The standards board, in adopting the standard, shall include substantial compliance criteria for use in evaluating an employer's injury prevention program. The board may adopt less stringent criteria for employers with few employees and for employers in industries with insignificant occupational safety or health hazards.

(2) Notwithstanding subdivision (a), for employers with fewer than 20 employees who are in industries that are not on a designated list of high hazard industries and who have a workers' compensation experience modification rate of 1.1 or less, and for any employers with fewer than 20 employees who are in industries that are on a designated list of low hazard industries, the board shall adopt a standard setting forth the employer's duties under this section consistent with the requirements specified in subdivisions (a), (b), and (c), except that the standard shall only require written documentation to the extent of documenting the person or persons responsible for implementing the program pursuant to paragraph (1) of subdivision (a), keeping a record of periodic inspections pursuant to paragraph (2) of subdivision (a), and keeping a record of employee training pursuant to paragraph (4) of subdivision (a). To any extent beyond the specifications of this subdivision, the standard shall not require the employer to keep the records specified in subdivision (d).

(3) (A) The division shall establish a list of high hazard industries using the methods prescribed in Section 6314.1 for identifying and targeting employers in high hazard industries. For purposes of this subdivision, the "designated list of high hazard industries" shall be the list established pursuant to this paragraph.

(B) For the purpose of implementing this subdivision, the Department of Industrial Relations shall periodically review, and as necessary revise, the list.

(4) For the purpose of implementing this subdivision, the Department of Industrial Relations shall also establish a list of low hazard industries, and shall periodically review, and as necessary revise, that list.

(f) The standard adopted pursuant to subdivision (e) shall specifically permit employer and employee occupational safety and health committees to be included in the employer's injury prevention program. The board shall establish criteria for use in evaluating employer and employee occupational safety and health committees. The criteria shall include minimum duties, including the following:

(1) Review of the employer's periodic, scheduled worksite inspections; investigation of causes of incidents resulting in injury, illness, or exposure to hazardous substances; and investigation of any alleged hazardous condition brought to the attention of any committee member. When determined necessary by the committee, the committee may conduct its own inspections and investigations.

(2) (A) Upon request from the division, verification of abatement action taken by the employer as specified in division citations.

(B) If an employer's occupational safety and health committee meets the criteria established by the board, it shall be presumed to be in substantial compliance with paragraph (5) of subdivision (a).

(g) The division shall adopt regulations specifying the procedures for selecting employee representatives for employer-employee occupational health and safety committees when these procedures are not specified in an applicable collective bargaining agreement. No employee or employee organization shall be held liable for any act or omission in connection with a health and safety committee.

(h) The employer's injury prevention program, as required by this section, shall cover all of the employer's employees and all other workers who the employer controls or directs and directly supervises on the job to the extent these workers are exposed to worksite and job assignment specific hazards. Nothing in this subdivision shall affect the obligations of a contractor or other

1 employer that controls or directs and directly supervises its own
2 employees on the job.

3 (i) When a contractor supplies its employee to a state agency
4 employer on a temporary basis, the state agency employer may
5 assess a fee upon the contractor to reimburse the state agency for
6 the additional costs, if any, of including the contract employee
7 within the state agency's injury prevention program.

8 (j) (1) The division shall prepare a Model Injury and Illness
9 Prevention Program for Non-High-Hazard Employment, and shall
10 make copies of the model program prepared pursuant to this
11 subdivision available to employers, upon request, for posting in
12 the workplace. An employer who adopts and implements the model
13 program prepared by the division pursuant to this paragraph in
14 good faith shall not be assessed a civil penalty for the first citation
15 for a violation of this section issued after the employer's adoption
16 and implementation of the model program.

17 (2) For purposes of this subdivision, the division shall establish
18 a list of non-high-hazard industries in California. These industries,
19 identified by their Standard Industrial Classification Codes, as
20 published by the United States Office of Management and Budget
21 in the Manual of Standard Industrial Classification Codes, 1987
22 Edition, are apparel and accessory stores (Code 56), eating and
23 drinking places (Code 58), miscellaneous retail (Code 59), finance,
24 insurance, and real estate (Codes 60–67), personal services (Code
25 72), business services (Code 73), motion pictures (Code 78) except
26 motion picture production and allied services (Code 781), legal
27 services (Code 81), educational services (Code 82), social services
28 (Code 83), museums, art galleries, and botanical and zoological
29 gardens (Code 84), membership organizations (Code 86),
30 engineering, accounting, research, management, and related
31 services (Code 87), private households (Code 88), and
32 miscellaneous services (Code 89). To further identify industries
33 that may be included on the list, the division shall also consider
34 data from a rating organization, as defined in Section 11750.1 of
35 the Insurance Code, and all other appropriate information. The list
36 shall be established by June 30, 1994, and shall be reviewed, and
37 as necessary revised, biennially.

38 (3) The division shall prepare a Model Injury and Illness
39 Prevention Program for Employers in Industries with Intermittent
40 Employment, and shall determine which industries have historically

1 utilized seasonal or intermittent employees. An employer in an
2 industry determined by the division to have historically utilized
3 seasonal or intermittent employees shall be deemed to have
4 complied with the requirements of subdivision (a) with respect to
5 a written injury prevention program if the employer adopts the
6 model program prepared by the division pursuant to this paragraph
7 and complies with any instructions relating thereto.

8 (k) With respect to any county, city, city and county, or district,
9 or any public or quasi-public corporation or public agency therein,
10 including any public entity, other than a state agency, that is a
11 member of, or created by, a joint powers agreement, subdivision
12 (d) shall not apply.

13 (l) Every workers' compensation insurer shall conduct a review,
14 including a written report as specified below, of the injury and
15 illness prevention program (IIPP) of each of its insureds with an
16 experience modification of 2.0 or greater within six months of the
17 commencement of the initial insurance policy term. The review
18 shall determine whether the insured has implemented all of the
19 required components of the IIPP, and evaluate their effectiveness.
20 The training component of the IIPP shall be evaluated to determine
21 whether training is provided to line employees, supervisors, and
22 upper level management, and effectively imparts the information
23 and skills each of these groups needs to ensure that all of the
24 insured's specific health and safety issues are fully addressed by
25 the insured. The reviewer shall prepare a detailed written report
26 specifying the findings of the review and all recommended changes
27 deemed necessary to make the IIPP effective. The reviewer shall
28 be or work under the direction of a licensed California professional
29 engineer, certified safety professional, or a certified industrial
30 hygienist.

31 SEC. 4. Section 6401.9 is added to the Labor Code, to read:

32 6401.9. (a) For purposes of this section, the following
33 definitions apply:

34 (1) "Employer" means either of the following, but does not
35 include an employer subject to Section 3342 of Title 8 of the Code
36 of Regulations:

37 (A) A person who employs one or more persons to perform
38 services for a wage or salary.

39 (B) The state and any political or civil subdivision of the state,
40 including, but not limited to, cities and counties.

1 (2) “Alarm” means a mechanical, electrical, or electronic device
2 that does not rely upon an employee’s vocalization in order to alert
3 others.

4 (3) “Dedicated safety personnel” includes, but is not limited to,
5 security guards, security officers, loss prevention officers, and
6 other persons employed for purposes of ensuring the security of
7 persons at, and property of, the employer’s workplaces.

8 (4) “Engineering controls” means an aspect of the built space
9 or a device that removes a hazard from the workplace or creates
10 a barrier between the worker and the hazard. For purposes of
11 reducing workplace violence hazards, “engineering controls”
12 include, but are not limited to, electronic access controls to
13 employee occupied areas, installed or handheld weapon detectors,
14 enclosed workstations with shatter-resistant glass, deep service
15 counters, locks on doors, closed-circuit television monitoring and
16 video recording, sight aids, and personal alarm devices.

17 (5) “Environmental risk factors” means factors in the facility
18 or area in which services or operations are conducted that may
19 contribute to the likelihood or severity of a workplace violence
20 incident. “Environmental risk factors” include, but are not limited
21 to, risk factors associated with the specific task being performed,
22 such as the collection of money.

23 (6) “Employer’s facilities” shall not include facilities operated
24 by the Department of Corrections and Rehabilitation.

25 (7) “Threat of violence” means a statement or conduct that
26 causes a person to fear for the person’s safety because there is a
27 reasonable possibility the person might be physically injured, and
28 that serves no legitimate purpose.

29 (8) “Work practice controls” means procedures, rules, and
30 staffing that are used to effectively reduce workplace violence
31 hazards. Work practice controls include, but are not limited to,
32 appropriate staffing levels, provision of dedicated safety personnel,
33 employee training on workplace violence prevention methods, and
34 employee training on procedures to follow in the event of a
35 workplace violence incident.

36 (9) “Workplace violence” means any act of violence or threat
37 of violence that occurs at the workplace. The term workplace
38 violence shall not include lawful acts of self-defense or defense
39 of others. Workplace violence includes any of the following:

1 (A) The threat or use of physical force against an employee that
2 results in, or has a high likelihood of resulting in, injury,
3 psychological trauma, or stress, regardless of whether the employee
4 sustains an injury.

5 (B) An incident involving the use of a firearm or other dangerous
6 weapon, regardless of whether the employee sustains an injury.

7 (b) As part of the injury prevention program required by Section
8 6401.7, every employer shall establish, implement, and maintain,
9 at all times in all of the employer's facilities, a workplace violence
10 prevention plan for purposes of protecting employees and other
11 personnel from aggressive and violent behavior at the workplace.
12 The workplace violence prevention plan may be incorporated into
13 the written injury prevention program as a separate chapter or may
14 be maintained as a separate document, and shall include all of the
15 following elements:

16 (1) The names or job titles of the persons responsible for
17 implementing and maintaining the workplace violence prevention
18 plan.

19 (2) Effective procedures to obtain the active involvement of
20 employees and their collective bargaining representatives, if any,
21 in developing, implementing, and reviewing the workplace violence
22 prevention plan, including their participation in identifying,
23 evaluating, and correcting workplace violence hazards, designing
24 and implementing training, and reporting and investigating
25 workplace violence incidents.

26 (3) Methods the employer will use to coordinate implementation
27 of the workplace violence prevention plan with other employers
28 whose employees work in the same facility, department, or
29 operation, to ensure that those employers and employees
30 understand their respective roles as provided in the workplace
31 violence prevention plan. These methods shall ensure that all
32 employees are provided the training required by subdivision (e)
33 and shall ensure that workplace violence incidents involving any
34 employee are reported, investigated, and recorded.

35 (4) Effective procedures for obtaining assistance from the
36 appropriate law enforcement agency during all work shifts. The
37 procedure may establish a central coordination procedure and shall
38 also include a policy statement prohibiting the employer from
39 disallowing an employee from, or taking punitive or retaliatory
40 action against an employee for, seeking assistance and intervention

1 from local emergency services or law enforcement when a violent
2 incident occurs.

3 (5) Effective procedures for the employer to accept and respond
4 to reports of workplace violence and to prohibit retaliation against
5 an employee who makes such a report.

6 (6) Procedures to ensure that supervisory and nonsupervisory
7 employees comply with the workplace violence prevention plan.

8 (7) Procedures to communicate with employees regarding
9 workplace violence matters, including:

10 (A) How employees will document and communicate to other
11 employees and between shifts and departments, facilities, or
12 operations, information regarding conditions that may increase the
13 potential for workplace violence incidents.

14 (B) How an employee can report a violent incident, threat, or
15 other workplace violence concern.

16 (C) How employees can communicate workplace violence
17 concerns without fear of reprisal.

18 (D) How employee concerns will be investigated and how
19 employees will be informed of the results of the investigation and
20 any corrective actions to be taken.

21 (8) Procedures to develop and provide the training required in
22 subdivision (e). Employees and their collective bargaining
23 representatives, if any, shall be allowed to participate in developing
24 the training.

25 (9) Assessment procedures to identify and evaluate
26 environmental risk factors, including community-based risk factors,
27 for each facility, department, or operation. These procedures shall
28 include a review of all workplace violence incidents that occurred
29 in the facility, department, or operation within the previous year,
30 regardless of whether an injury occurred. This shall also include
31 procedures to identify and evaluate environmental risk factors for
32 workplace violence in each facility, department, or operation of
33 the establishment, including surrounding areas, such as employee
34 parking areas and other outdoor areas. Assessment tools,
35 environmental checklists, or other effective means shall be used
36 to identify locations and situations where violent incidents are
37 more likely to occur. These procedures shall specify the frequency
38 with which those environmental assessments will take place.
39 Environmental risk factors shall include, but are not limited to, the
40 following:

1 (A) Employees working in locations isolated from other
2 employees because their assignment requires them to work alone,
3 in remote locations, during night or early morning hours, or where
4 an assailant could prevent entry into the work area by responders
5 or other employees.

6 (B) Poor illumination or blocked visibility of areas where
7 possible assailants may be present.

8 (C) Lack of physical barriers between employees and persons
9 at risk of committing workplace violence.

10 (D) Lack of effective escape routes.

11 (E) Obstacles and impediments to accessing alarm systems.

12 (F) Locations within the facility where alarm systems are not
13 operational.

14 (G) Entryways where unauthorized entrance may occur, such
15 as doors designated for staff entrance or emergency exits.

16 (H) Storage of high-value items or currency.

17 (10) Procedures to correct workplace violence hazards in a
18 timely manner. Engineering and work practice controls shall be
19 used to eliminate or minimize employee exposure to the identified
20 hazards to the extent feasible. The procedures shall include
21 measures that the employer will take to protect employees from
22 imminent hazards immediately and to protect employees from
23 identified serious hazards within seven days of the discovery of
24 the hazard where there is a realistic possibility that death or serious
25 physical harm could result from the hazard. The procedures shall
26 also include, when an identified corrective measure cannot be
27 implemented within this timeframe, interim measures the employer
28 will take to abate the imminent or serious nature of the hazard
29 while completing the permanent control measures. Corrective
30 measures shall include, but are not limited to, the following:

31 (A) Ensuring that sufficient numbers of staff are trained and
32 available to prevent and immediately respond to workplace
33 violence incidents during each shift. A staff person is not
34 considered to be available if other assignments prevent the person
35 from immediately responding to an alarm or other notification of
36 a violent incident.

37 (B) Providing line of sight or other immediate communication
38 in all areas where members of the public may be present. This may
39 include removal of sight barriers, provision of surveillance systems

1 or other sight aids such as mirrors, use of a buddy system,
2 improving illumination, or other effective means.

3 (C) Configuring facility spaces so that employee access to doors
4 and alarm systems cannot be impeded by persons or obstacles.

5 (D) Maintaining sufficient staffing, including security personnel,
6 who can maintain order in the facility and respond to workplace
7 violence incidents in a timely manner.

8 (E) Installing, implementing, and maintaining the use of an
9 alarm system or other effective means by which employees can
10 summon security and other aid to defuse or respond to an actual
11 or potential workplace violence emergency.

12 (F) Creating an effective means by which employees can be
13 alerted to the presence, location, and nature of a security threat.

14 (G) Establishing an effective response plan for actual or potential
15 workplace violence emergencies that includes obtaining help from
16 facility security or law enforcement agencies as appropriate.
17 Employees designated to respond to emergencies must not have
18 other assignments that would prevent them from responding
19 immediately to an alarm to assist other staff. The response plan
20 shall also include procedures to respond to mass casualty threats,
21 such as active shooters, by developing evacuation or sheltering
22 plans that are appropriate and feasible for the facility, a procedure
23 for warning employees of the situation, and a procedure for
24 contacting the appropriate law enforcement agency.

25 (11) Procedures for postincident response and investigation,
26 including:

27 (A) Providing immediate medical care or first aid to employees
28 who have been injured in the incident.

29 (B) Identifying all employees involved in the incident.

30 (C) Making available individual trauma counseling to all
31 employees affected by the incident.

32 (D) Referring employees affected by the incident to worker
33 wellness centers, or employee assistance programs, as appropriate
34 and available.

35 (E) Conducting a postincident debriefing as soon as possible
36 after the incident with all employees, supervisors, and security
37 involved in the incident.

38 (F) Reviewing whether appropriate corrective measures
39 developed under the workplace violence prevention plan, such as
40 adequate staffing, provision and use of alarms or other means of

1 summoning assistance, and response by staff or law enforcement,
2 were effectively implemented.

3 (G) Soliciting from the injured employee and other personnel
4 involved in the incident, and their collective bargaining
5 representative, if any, their opinions regarding the cause of the
6 incident, and whether any measure would have prevented the
7 injury.

8 (12) Provisions prohibiting the employer from maintaining
9 policies that require employees who are not dedicated safety
10 personnel to confront active shooters or suspected shoplifters.

11 (c) The employer shall record information in a violent incident
12 log about every incident, postincident response, and workplace
13 violence injury investigation performed in accordance with
14 paragraph (11) of subdivision (b). Information about each incident
15 shall be based on information solicited from the employees who
16 experienced the workplace violence. The employer shall omit from
17 the violent incident log any element of personal identifying
18 information sufficient to allow identification of any person involved
19 in a violent incident, such as the person's name, address, electronic
20 mail address, telephone number, social security number, or other
21 information that, alone or in combination with other publicly
22 available information, reveals the person's identity. The violent
23 incident log shall be reviewed during the annual review of the
24 workplace violence prevention plan required in subdivision (d).
25 The information recorded in the violent incident log shall include,
26 but is not limited to:

27 (1) The date, time, specific location, and department of the
28 incident.

29 (2) A detailed description of the incident.

30 (3) A classification of who committed the violence, including
31 whether the perpetrator was a client or customer, family or friend
32 of a client or customer, stranger with criminal intent, coworker,
33 supervisor or manager, partner or spouse, parent or relative, or
34 other perpetrator.

35 (4) A classification of circumstances at the time of the incident,
36 including, but not limited to, whether the employee was completing
37 usual job duties, working in poorly lit areas, rushed, working during
38 a low staffing level, in a high crime area, isolated or alone, unable
39 to get help or assistance, working in a community setting, working
40 in an unfamiliar or new location, or other circumstances.

(5) A classification of where the incident occurred, including, but not limited to, whether it was in an office, sales floor, hallway, restroom or bathroom, parking lot or other area outside the building, personal residence, break room, cafeteria, or other area.

(6) The type of incident, including whether it involved any of the following:

(A) Physical attack, including biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.

(B) Attack with a weapon or object, including a gun, knife, or other object.

(C) Threat of physical force or threat of the use of a weapon or other object.

(D) Sexual assault or threat, including rape or attempted rape, physical display, or unwanted verbal or physical sexual contact.

(E) Verbal harassment.

(F) Animal attack.

(G) Other.

(7) Consequences of the incident, including:

(A) Whether medical treatment was provided to the employee.

(B) Who, if anyone, provided necessary assistance to conclude the incident.

(C) Whether security was contacted and whether law enforcement was contacted.

(D) Amount of lost time from work, if any.

(E) Actions taken to protect employees from a continuing threat, if any.

(8) Information about the person completing the violent incident log, including their name, job title, phone number, email address, and the date completed.

(d) (1) The employer shall establish and implement a system to review, at least annually and in conjunction with employees and their collective bargaining representatives, if any, the effectiveness of the workplace violence prevention plan for the overall facility or operation in relation to the employees' respective work areas, services, and operations. Problems found during the review shall be corrected in accordance with paragraph (10) of subdivision (b). The review shall include an evaluation of the following:

(A) Staffing, including staffing patterns that contribute to, or are insufficient to address, the risk of violence.

1 (B) Sufficiency of security systems, including alarms,
2 emergency response, and security personnel availability.

3 (C) Job design, equipment, and facilities.

4 (D) Security risks associated with specific units, areas of the
5 facility with uncontrolled access, late-night or early morning shifts,
6 and employee security in areas surrounding the facility, such as
7 employee parking areas and other outdoor areas.

8 (2) Based on the review in paragraph (1), the workplace violence
9 prevention plan shall be updated, in accordance with subparagraphs
10 (B) and (C) of paragraph (4) of subdivision (a) of Section 3203 of
11 Title 8 of the California Code of Regulations, in a manner that is
12 specific to each of the units within a facility, the facility as a whole,
13 or the particular operation, as applicable, if necessary. When an
14 update is necessary pursuant to this paragraph for only part of the
15 facility or operation, the update may be limited to the employees
16 in the units or operations affected by the update, independently of
17 the annual review for the facility as a whole, as described in
18 paragraph (1). The updates shall include the following:

19 (A) New or modified tasks and procedures that may affect how
20 the workplace violence prevention plan is implemented, such as
21 changes in staffing, engineering controls, construction or
22 modification of the facilities, evacuation procedures, alarm systems
23 and emergency response.

24 (B) Newly recognized workplace violence hazards.

25 (C) A review and evaluation of workplace violence incidents
26 that result in a serious injury or fatality.

27 (D) A review and response to information indicating that the
28 workplace violence prevention plan is deficient in any area.

29 (e) (1) The employer shall provide effective training to
30 employees, as specified in paragraph (2), that addresses the
31 workplace violence risks that employees may reasonably anticipate
32 to encounter in their jobs. The employer shall have an effective
33 procedure for obtaining the active involvement of employees and
34 their collective bargaining representatives, if any, in developing
35 training curricula and training materials, participating in training
36 sessions, and reviewing and revising the training program. Training
37 material appropriate in content and vocabulary to the educational
38 level, literacy, and language of employees shall be used. All
39 employees of the employer shall receive all training required by
40 this subdivision in person, during work time, at the workplace,

1 and in an atmosphere designed to provide an opportunity for
2 interactive questions and answers with a person knowledgeable
3 about the workplace violence prevention plan.

4 (2) All employees working in the facility, unit, service, or
5 operation shall be provided all of the following trainings:

6 (A) Initial training when the workplace violence prevention
7 plan is first established and when an employee is newly hired or
8 newly assigned to perform duties for which the training required
9 in this subparagraph was not previously provided. The training
10 required by this subparagraph shall address the workplace violence
11 hazards identified in the facility, unit, service, or operation, shall
12 address the corrective measures the employer has implemented,
13 and shall include the following:

14 (i) An explanation of the employer's workplace violence
15 prevention plan, including the employer's hazard identification
16 and evaluation procedures, general and personal safety measures
17 the employer has implemented, how the employee may
18 communicate concerns about workplace violence without fear of
19 reprisal, how the employer will address workplace violence
20 incidents, and how the employee can participate in reviewing and
21 revising the plan.

22 (ii) How to recognize the potential for violence, factors
23 contributing to the escalation of violence and how to counteract
24 them, and when and how to seek assistance to prevent or respond
25 to violence.

26 (iii) Strategies to avoid physical harm.

27 (iv) How to recognize alerts, alarms, or other warnings about
28 emergency conditions such as mass casualty threats and how to
29 use identified escape routes or locations for sheltering, as
30 applicable.

31 (v) How to prepare for and respond to an active shooter scenario
32 at the workplace. Any training that involves content described in
33 this clause and that is provided at any educational workplaces shall
34 not be provided at any time when, or location where, students are
35 present. For purposes of this clause, "educational workplace"
36 means any workplace where students are educated in any subject
37 matter.

38 (vi) How to prepare for and respond to shoplifting, if the
39 employees work in retail.

40 (vii) The role of private security personnel, if any.

1 (viii) How to report violent incidents to law enforcement.

2 (ix) Any resources available to employees for coping with
3 incidents of violence, including, but not limited to, critical incident
4 stress debriefing or employee assistance programs.

5 (x) An opportunity for interactive questions and answers with
6 a person knowledgeable about the employer's workplace violence
7 prevention plan,

8 (B) Additional training, which shall be provided when new
9 equipment or work practices are introduced or when a new or
10 previously unrecognized workplace violence hazard has been
11 identified. The additional training may be limited to addressing
12 the new equipment or work practice or new workplace hazard.

13 (C) Training on the topics in clauses (i) to (x), inclusive, of
14 subparagraph (A) at least annually thereafter.

15 (f) (1) Records of workplace violence hazard identification,
16 evaluation, and correction shall be created and maintained in
17 accordance with paragraph (1) of subdivision (b) of Section 3203
18 of Title 8 of the California Code of Regulations, except that the
19 exception to paragraph (1) of subdivision (b) of Section 3203 of
20 Title 8 of the California Code of Regulations shall not apply.

21 (2) Training records shall be created and maintained for a
22 minimum of one year and include training dates, contents or a
23 summary of the training sessions, names and qualifications of
24 persons conducting the training, and names and job titles of all
25 persons attending the training sessions. Exception No. 1 to
26 paragraph (2) of subdivision (b) of Section 3203 of Title 8 of the
27 California Code of Regulations shall not apply to these training
28 records.

29 (3) Records of violent incidents, including, but not limited to,
30 violent incident logs required by subdivision (c) and workplace
31 violence injury investigations conducted pursuant to paragraph
32 (11) of subdivision (b), shall be maintained for a minimum of five
33 years or pursuant to other law, whichever is greater.
34 Notwithstanding any law, these records shall not contain "medical
35 information," as defined by subdivision (i) of Section 56.05 of the
36 Civil Code.

37 (4) All records required by this subdivision shall be made
38 available to employees and their collective bargaining
39 representatives, if any, on request, for examination and copying.

(g) An employer shall not prohibit an employee from, and shall not take punitive or retaliatory action against an employee for, seeking assistance and intervention from local emergency services or law enforcement when a violent incident occurs.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



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