

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

February 15, 2023

An act to ~~amend~~ *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.

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~~ *would, commencing January 1, 2025*, also authorize a collective bargaining representative of an employee, as ~~described above~~, *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 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 or collective bargaining representative~~
4 ~~of an employer, whose employee who~~ has suffered unlawful
5 violence or a credible threat of violence from any individual, that
6 can reasonably be construed to be carried out or to have been
7 carried out at the workplace, may seek a temporary restraining
8 order and an order after hearing on behalf of the employee and, at
9 the discretion of the court, any number of other employees at the
10 workplace, and, if appropriate, other employees at other workplaces
11 of the employer. ~~For purposes of this section only, a person shall~~
12 ~~be considered a collective bargaining representative for all~~
13 ~~employees named in the petition for a temporary restraining order~~
14 ~~and an order after hearing, regardless of whether those employees~~
15 ~~are represented by the collective bargaining representative for~~
16 ~~purposes of collective bargaining with respect to conditions of~~
17 ~~employment under the employer, if the person serves as a collective~~
18 ~~bargaining representative for at least one employee who works for~~
19 ~~the employer.~~

20 (b) For purposes of this section:

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

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

33 (3) “Employer” and “employee” mean persons defined in
34 Section 350 of the Labor Code. “Employer” also includes a federal
35 agency, the state, a state agency, a city, county, or district, and a
36 private, public, or quasi-public corporation, or any public agency
37 thereof or therein. “Employee” also includes the members of boards
38 of directors of private, public, and quasi-public corporations and

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

5 (4) “Petitioner” means the employer ~~or collective bargaining~~
6 ~~representative~~ that petitions under subdivision (a) for a temporary
7 restraining order and order after hearing.

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

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

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

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

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

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

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

39 (e) Upon filing a petition under this section, the petitioner may
40 obtain a temporary restraining order in accordance with subdivision

1 (a) of Section 527, if the petitioner also files a declaration that, to
2 the satisfaction of the court, shows reasonable proof that an
3 employee has suffered unlawful violence or a credible threat of
4 violence by the respondent, and that great or irreparable harm
5 would result to an employee. The temporary restraining order may
6 include any of the protective orders described in paragraph (6) of
7 subdivision (b).

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

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

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

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

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

39 (k) (1) In the discretion of the court, an order issued after notice
40 and hearing under this section may have a duration of not more

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

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

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

32 (l) This section does not preclude ~~any~~ *either* party from
33 representation by private counsel or from appearing on the party's
34 own behalf.

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

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

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

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

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

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

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

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

36
37 “If you have been personally served with this temporary
38 restraining order and notice of hearing, but you do not appear at
39 the hearing either in person or by a lawyer, and a restraining order
40 that is the same as this restraining order except for the expiration

1 date is issued at the hearing, a copy of the order will be served on
 2 you by mail at the following address: ____.

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

7

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

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

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

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

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

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

38 (5) At the request of the petitioner, an order issued under this
 39 section shall be served on the respondent, regardless of whether
 40 the respondent has been taken into custody, by any law

1 enforcement officer who is present at the scene of reported
2 unlawful violence or a credible threat of violence involving the
3 parties to the proceedings. The petitioner shall provide the officer
4 with an endorsed copy of the order and proof of service that the
5 officer shall complete and send to the issuing court.

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

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

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

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

36 (3) Every person who owns, possesses, purchases or receives,
37 or attempts to purchase or receive a firearm or ammunition while
38 the protective order is in effect is punishable pursuant to Section
39 29825 of the Penal Code.

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

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

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

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

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

31 (x) (1) Subject to paragraph (4) of subdivision (b) of Section
32 6103.2 of the Government Code, there shall be no fee for the
33 service of process by a sheriff or marshal of a temporary restraining
34 order or order after hearing to be issued pursuant to this section if
35 either of the following conditions applies:

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

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

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

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

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

11 527.8. (a) *Any employer or collective bargaining*
12 *representative of an employee who has suffered unlawful violence*
13 *or a credible threat of violence from any individual, that can*
14 *reasonably be construed to be carried out or to have been carried*
15 *out at the workplace, may seek a temporary restraining order and*
16 *an order after hearing on behalf of the employee and, at the*
17 *discretion of the court, any number of other employees at the*
18 *workplace, and, if appropriate, other employees at other*
19 *workplaces of the employer. For purposes of this section only, a*
20 *person may bring a petition for a temporary restraining order and*
21 *an order after hearing on behalf of an employee as their collective*
22 *bargaining representative only if the person serves as a collective*
23 *bargaining representative for that employee in employment or*
24 *labor matters at the employee’s workplace.*

25 (b) *For purposes of this section:*

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

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

38 (3) *“Employer” and “employee” mean persons defined in*
39 *Section 350 of the Labor Code. “Employer” also includes a federal*
40 *agency, the state, a state agency, a city, county, or district, and a*

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

8 (4) “Petitioner” means the employer or collective bargaining
9 representative that petitions under subdivision (a) for a temporary
10 restraining order and order after hearing.

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

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

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

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

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

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

37 (d) In the discretion of the court, on a showing of good cause,
38 a temporary restraining order or order after hearing issued under
39 this section may include other named family or household members,

1 *or other persons employed at the employee's workplace or*
2 *workplaces.*

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

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

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

24 *(h) Within 21 days, or if good cause appears to the court, 25*
25 *days from the date that a petition for a temporary order is granted*
26 *or denied, a hearing shall be held on the petition. If no request for*
27 *temporary orders is made, the hearing shall be held within 21*
28 *days, or, if good cause appears to the court, 25 days, from the date*
29 *that the petition is filed.*

30 *(i) The respondent may file a response that explains, excuses,*
31 *justifies, or denies the alleged unlawful violence or credible threats*
32 *of violence.*

33 *(j) At the hearing, the judge shall receive any testimony that is*
34 *relevant and may make an independent inquiry. Moreover, if the*
35 *respondent is currently employed by the employer of the employee,*
36 *as described in subdivision (a), the judge shall receive evidence*
37 *concerning the employer's decision to retain, terminate, or*
38 *otherwise discipline the respondent. If the judge finds by clear and*
39 *convincing evidence that the respondent engaged in unlawful*

1 violence or made a credible threat of violence, an order shall issue
2 prohibiting further unlawful violence or threats of violence.

3 (k) (1) In the discretion of the court, an order issued after notice
4 and hearing under this section may have a duration of not more
5 than three years, subject to termination or modification by further
6 order of the court either on written stipulation filed with the court
7 or on the motion of a party. These orders may be renewed, upon
8 the request of a party, for a duration of not more than three years,
9 without a showing of any further violence or threats of violence
10 since the issuance of the original order, subject to termination or
11 modification by further order of the court either on written
12 stipulation filed with the court or on the motion of a party. The
13 request for renewal may be brought at any time within the three
14 months before the expiration of the order.

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

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

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

38 (m) Upon filing of a petition under this section, the respondent
39 shall be personally served with a copy of the petition, temporary
40 restraining order, if any, and notice of hearing of the petition.

1 *Service shall be made at least five days before the hearing. The*
2 *court may, for good cause, on motion of the petitioner or on its*
3 *own motion, shorten the time for service on the respondent.*

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

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

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

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

20 *(q) (1) If a respondent, named in a restraining order issued*
21 *under this section after a hearing, has not been served personally*
22 *with the order but has received actual notice of the existence and*
23 *substance of the order through personal appearance in court to*
24 *hear the terms of the order from the court, no additional proof of*
25 *service is required for enforcement of the order.*

26 *(2) If the respondent named in a temporary restraining order*
27 *is personally served with the order and notice of hearing with*
28 *respect to a restraining order or protective order based on the*
29 *temporary restraining order, but the person does not appear at*
30 *the hearing, either personally or by an attorney, and the terms and*
31 *conditions of the restraining order or protective order issued at*
32 *the hearing are identical to the temporary restraining order, except*
33 *for the duration of the order, then the restraining order or*
34 *protective order issued at the hearing may be served on the person*
35 *by first-class mail sent to that person at the most current address*
36 *for the person available to the court.*

37 *(3) The Judicial Council form for temporary orders issued*
38 *pursuant to this subdivision shall contain a statement in*
39 *substantially the following form:*

40

1 *“If you have been personally served with this temporary*
2 *restraining order and notice of hearing, but you do not appear at*
3 *the hearing either in person or by a lawyer, and a restraining*
4 *order that is the same as this restraining order except for the*
5 *expiration date is issued at the hearing, a copy of the order will*
6 *be served on you by mail at the following address: ____.*

7 *If that address is not correct or you wish to verify that the*
8 *temporary restraining order was converted to a restraining order*
9 *at the hearing without substantive change and to find out the*
10 *duration of that order, contact the clerk of the court.”*

11
12 *(r) (1) Information on a temporary restraining order or order*
13 *after hearing relating to workplace violence issued by a court*
14 *pursuant to this section shall be transmitted to the Department of*
15 *Justice in accordance with either paragraph (2) or (3).*

16 *(2) The court shall order the petitioner or the attorney for the*
17 *petitioner to deliver a copy of any order issued under this section,*
18 *or a reissuance, extension, modification, or termination of the*
19 *order, and any subsequent proof of service, by the close of the*
20 *business day on which the order, reissuance, extension,*
21 *modification, or termination was made, to each law enforcement*
22 *agency having jurisdiction over the residence of the petitioner and*
23 *to any additional law enforcement agencies within the court’s*
24 *discretion as are requested by the petitioner.*

25 *(3) Alternatively, the court or its designee shall transmit, within*
26 *one business day, to law enforcement personnel all information*
27 *required under subdivision (b) of Section 6380 of the Family Code*
28 *regarding any order issued under this section, or a reissuance,*
29 *extension, modification, or termination of the order, and any*
30 *subsequent proof of service, by either one of the following methods:*

31 *(A) Transmitting a physical copy of the order or proof of service*
32 *to a local law enforcement agency authorized by the Department*
33 *of Justice to enter orders into the California Law Enforcement*
34 *Telecommunications System (CLETS).*

35 *(B) With the approval of the Department of Justice, entering*
36 *the order or proof of service into CLETS directly.*

37 *(4) Each appropriate law enforcement agency shall make*
38 *available information as to the existence and current status of*
39 *these orders to law enforcement officers responding to the scene*
40 *of reported unlawful violence or a credible threat of violence.*

1 (5) *At the request of the petitioner, an order issued under this*
2 *section shall be served on the respondent, regardless of whether*
3 *the respondent has been taken into custody, by any law enforcement*
4 *officer who is present at the scene of reported unlawful violence*
5 *or a credible threat of violence involving the parties to the*
6 *proceedings. The petitioner shall provide the officer with an*
7 *endorsed copy of the order and proof of service that the officer*
8 *shall complete and send to the issuing court.*

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

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

32 (s) (1) *A person subject to a protective order issued under this*
33 *section shall not own, possess, purchase, receive, or attempt to*
34 *purchase or receive a firearm or ammunition while the protective*
35 *order is in effect.*

36 (2) *The court shall order a person subject to a protective order*
37 *issued under this section to relinquish any firearms they own or*
38 *possess pursuant to Section 527.9.*

39 (3) *Every person who owns, possesses, purchases or receives,*
40 *or attempts to purchase or receive a firearm or ammunition while*

1 *the protective order is in effect is punishable pursuant to Section*
2 *29825 of the Penal Code.*

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

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

9 *(v) (1) The Judicial Council shall develop forms, instructions,*
10 *and rules for relating to matters governed by this section. The*
11 *forms for the petition and response shall be simple and concise,*
12 *and their use by parties in actions brought pursuant to this section*
13 *shall be mandatory.*

14 *(2) A temporary restraining order or order after hearing relating*
15 *to unlawful violence or a credible threat of violence issued by a*
16 *court pursuant to this section shall be issued on forms adopted by*
17 *the Judicial Council of California and that have been approved*
18 *by the Department of Justice pursuant to subdivision (i) of Section*
19 *6380 of the Family Code. However, the fact that an order issued*
20 *by a court pursuant to this section was not issued on forms adopted*
21 *by the Judicial Council and approved by the Department of Justice*
22 *shall not, in and of itself, make the order unenforceable.*

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

33 *(x) (1) Subject to paragraph (4) of subdivision (b) of Section*
34 *6103.2 of the Government Code, there shall be no fee for the*
35 *service of process by a sheriff or marshal of a temporary*
36 *restraining order or order after hearing to be issued pursuant to*
37 *this section if either of the following conditions applies:*

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

1 (B) *The temporary restraining order or order after hearing*
2 *issued pursuant to this section is based on unlawful violence or a*
3 *credible threat of violence.*

4 (2) *The Judicial Council shall prepare and develop forms for*
5 *persons who wish to avail themselves of the services described in*
6 *this subdivision.*

7 (y) *This section shall be operative on January 1, 2025.*

8 ~~SEC. 2.~~

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

10 6401.7. (a) Every employer shall establish, implement, and
11 maintain an effective injury prevention program. The program
12 shall be written, except as provided in subdivision (e), and shall
13 include, but not be limited to, the following elements:

14 (1) Identification of the person or persons responsible for
15 implementing the program.

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

19 (3) The employer's methods and procedures for correcting
20 unsafe or unhealthy conditions and work practices in a timely
21 manner.

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

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

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

33 (7) A workplace violence prevention plan conforming with the
34 requirements of Section 6401.9.

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

38 (c) The employer shall train all employees when the training
39 program is first established, all new employees, and all employees
40 given a new job assignment, and shall train employees whenever

1 new substances, processes, procedures, or equipment are introduced
2 to the workplace and represent a new hazard, and whenever the
3 employer receives notification of a new or previously unrecognized
4 hazard. An employer in the construction industry who is required
5 to be licensed under Chapter 9 (commencing with Section 7000)
6 of Division 3 of the Business and Professions Code may use
7 employee training provided to the employer's employees under a
8 construction industry occupational safety and health training
9 program approved by the division to comply with the requirements
10 of subdivision (a) relating to employee training, and shall only be
11 required to provide training on hazards specific to an employee's
12 job duties.

13 (d) The employer shall keep appropriate records of steps taken
14 to implement and maintain the program. An employer in the
15 construction industry who is required to be licensed under Chapter
16 9 (commencing with Section 7000) of Division 3 of the Business
17 and Professions Code may use records relating to employee training
18 provided to the employer in connection with an occupational safety
19 and health training program approved by the division to comply
20 with this subdivision, and shall only be required to keep records
21 of those steps taken to implement and maintain the program with
22 respect to hazards specific to an employee's job duties.

23 (e) (1) The standards board shall adopt a standard setting forth
24 the employer's duties under this section, on or before January 1,
25 1991, consistent with the requirements specified in subdivisions
26 (a), (b), (c), and (d). The standards board, in adopting the standard,
27 shall include substantial compliance criteria for use in evaluating
28 an employer's injury prevention program. The board may adopt
29 less stringent criteria for employers with few employees and for
30 employers in industries with insignificant occupational safety or
31 health hazards.

32 (2) Notwithstanding subdivision (a), for employers with fewer
33 than 20 employees who are in industries that are not on a
34 designated list of high hazard industries and who have a workers'
35 compensation experience modification rate of 1.1 or less, and for
36 any employers with fewer than 20 employees who are in industries
37 that are on a designated list of low hazard industries, the board
38 shall adopt a standard setting forth the employer's duties under
39 this section consistent with the requirements specified in
40 subdivisions (a), (b), and (c), except that the standard shall only

1 require written documentation to the extent of documenting the
2 person or persons responsible for implementing the program
3 pursuant to paragraph (1) of subdivision (a), keeping a record of
4 periodic inspections pursuant to paragraph (2) of subdivision (a),
5 and keeping a record of employee training pursuant to paragraph
6 (4) of subdivision (a). To any extent beyond the specifications of
7 this subdivision, the standard shall not require the employer to
8 keep the records specified in subdivision (d).

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

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

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

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

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

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

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

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

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

16 (i) When a contractor supplies its employee to a state agency
17 employer on a temporary basis, the state agency employer may
18 assess a fee upon the contractor to reimburse the state agency for
19 the additional costs, if any, of including the contract employee
20 within the state agency's injury prevention program.

21 (j) (1) The division shall prepare a Model Injury and Illness
22 Prevention Program for Non-High-Hazard Employment, and shall
23 make copies of the model program prepared pursuant to this
24 subdivision available to employers, upon request, for posting in
25 the workplace. An employer who adopts and implements the model
26 program prepared by the division pursuant to this paragraph in
27 good faith shall not be assessed a civil penalty for the first citation
28 for a violation of this section issued after the employer's adoption
29 and implementation of the model program.

30 (2) For purposes of this subdivision, the division shall establish
31 a list of non-high-hazard industries in California. These industries,
32 identified by their Standard Industrial Classification Codes, as
33 published by the United States Office of Management and Budget
34 in the Manual of Standard Industrial Classification Codes, 1987
35 Edition, are apparel and accessory stores (Code 56), eating and
36 drinking places (Code 58), miscellaneous retail (Code 59), finance,
37 insurance, and real estate (Codes 60–67), personal services (Code
38 72), business services (Code 73), motion pictures (Code 78) except
39 motion picture production and allied services (Code 781), legal
40 services (Code 81), educational services (Code 82), social services

1 (Code 83), museums, art galleries, and botanical and zoological
2 gardens (Code 84), membership organizations (Code 86),
3 engineering, accounting, research, management, and related
4 services (Code 87), private households (Code 88), and
5 miscellaneous services (Code 89). To further identify industries
6 that may be included on the list, the division shall also consider
7 data from a rating organization, as defined in Section 11750.1 of
8 the Insurance Code, and all other appropriate information. The list
9 shall be established by June 30, 1994, and shall be reviewed, and
10 as necessary revised, biennially.

11 (3) The division shall prepare a Model Injury and Illness
12 Prevention Program for Employers in Industries with Intermittent
13 Employment, and shall determine which industries have historically
14 utilized seasonal or intermittent employees. An employer in an
15 industry determined by the division to have historically utilized
16 seasonal or intermittent employees shall be deemed to have
17 complied with the requirements of subdivision (a) with respect to
18 a written injury prevention program if the employer adopts the
19 model program prepared by the division pursuant to this paragraph
20 and complies with any instructions relating thereto.

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

26 (l) Every workers' compensation insurer shall conduct a review,
27 including a written report as specified below, of the injury and
28 illness prevention program (IIPP) of each of its insureds with an
29 experience modification of 2.0 or greater within six months of the
30 commencement of the initial insurance policy term. The review
31 shall determine whether the insured has implemented all of the
32 required components of the IIPP, and evaluate their effectiveness.
33 The training component of the IIPP shall be evaluated to determine
34 whether training is provided to line employees, supervisors, and
35 upper level management, and effectively imparts the information
36 and skills each of these groups needs to ensure that all of the
37 insured's specific health and safety issues are fully addressed by
38 the insured. The reviewer shall prepare a detailed written report
39 specifying the findings of the review and all recommended changes
40 deemed necessary to make the IIPP effective. The reviewer shall

1 be or work under the direction of a licensed California professional
2 engineer, certified safety professional, or a certified industrial
3 hygienist.

4 ~~SEC. 3.~~

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

6 6401.9. (a) For purposes of this section, the following
7 definitions apply:

8 (1) “Employer” means either of the following, but does not
9 include an employer subject to Section 3342 of Title 8 of the Code
10 of Regulations:

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

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

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

18 (3) “Engineering controls” means an aspect of the built space
19 or a device that removes a hazard from the workplace or creates
20 a barrier between the worker and the hazard. For purposes of
21 reducing workplace violence hazards, “engineering controls”
22 include, but are not limited to, electronic access controls to
23 employee occupied areas, installed or handheld weapon detectors,
24 enclosed workstations with shatter-resistant glass, deep service
25 counters, locks on doors, closed-circuit television monitoring and
26 video recording, sight aids, and personal alarm devices.

27 (4) “Environmental risk factors” means factors in the facility
28 or area in which services or operations are conducted that may
29 contribute to the likelihood or severity of a workplace violence
30 incident. “Environmental risk factors” include, but are not limited
31 to, risk factors associated with the specific task being performed,
32 such as the collection of money.

33 (5) “Employer’s facilities” shall not include facilities operated
34 by the Department of Corrections and Rehabilitation.

35 (6) “Threat of violence” means a statement or conduct that
36 causes a person to fear for the person’s safety because there is a
37 reasonable possibility the person might be physically injured, and
38 that serves no legitimate purpose.

39 (7) “Work practice controls” means procedures, rules, and
40 staffing which are used to effectively reduce workplace violence

1 hazards. Work practice controls include, but are not limited to,
2 appropriate staffing levels, provision of dedicated safety personnel,
3 such as security guards, employee training on workplace violence
4 prevention methods, and employee training on procedures to follow
5 in the event of a workplace violence incident.

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

10 (A) The threat or use of physical force against an employee that
11 results in, or has a high likelihood of resulting in, injury,
12 psychological trauma, or stress, regardless of whether the employee
13 sustains an injury.

14 ~~(B) Conduct that seriously alarms, annoys, or harasses an~~
15 ~~employee, that serves no legitimate purpose, and that has a high~~
16 ~~likelihood of resulting in psychological trauma or stress, regardless~~
17 ~~of whether the employee sustains an injury, including, but not~~
18 ~~limited to, verbal harassment based at least in part on one or more~~
19 ~~actual or perceived characteristics listed in subdivision (a) of~~
20 ~~Section 422.55 of the Penal Code.~~

21 ~~(C)~~

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

24 (b) As part of the injury prevention program required by Section
25 6401.7, every employer shall establish, implement, and maintain,
26 at all times in all of the employer’s facilities, a workplace violence
27 prevention plan for purposes of protecting employees and other
28 personnel from aggressive and violent behavior at the workplace.
29 The workplace violence prevention plan may be incorporated into
30 the written injury prevention program as a separate chapter or may
31 be maintained as a separate document, and shall include all of the
32 following elements:

33 (1) The names or job titles of the persons responsible for
34 implementing and maintaining the workplace violence prevention
35 plan.

36 (2) Effective procedures to obtain the active involvement of
37 employees and their collective bargaining representatives, if any,
38 in developing, implementing, and reviewing the workplace violence
39 prevention plan, including their participation in identifying,
40 evaluating, and correcting workplace violence hazards, designing

1 and implementing training, and reporting and investigating
2 workplace violence incidents.

3 (3) Methods the employer will use to coordinate implementation
4 of the workplace violence prevention plan with other employers
5 whose employees work in the same facility, department, or
6 operation, to ensure that those employers and employees
7 understand their respective roles as provided in the workplace
8 violence prevention plan. These methods shall ensure that all
9 employees are provided the training required by subdivision (e)
10 and shall ensure that workplace violence incidents involving any
11 employee are reported, investigated, and recorded.

12 (4) Effective procedures for obtaining assistance from the
13 appropriate law enforcement agency during all work shifts. The
14 procedure may establish a central coordination procedure and shall
15 also include a policy statement prohibiting the employer from
16 disallowing an employee from, or taking punitive or retaliatory
17 action against an employee for, seeking assistance and intervention
18 from local emergency services or law enforcement when a violent
19 incident occurs.

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

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

25 (7) Procedures to communicate with employees regarding
26 workplace violence matters, including:

27 (A) How employees will document and communicate to other
28 employees and between shifts and departments, facilities, or
29 operations, information regarding conditions that may increase the
30 potential for workplace violence incidents.

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

33 (C) How employees can communicate workplace violence
34 concerns without fear of reprisal.

35 (D) How employee concerns will be investigated and how
36 employees will be informed of the results of the investigation and
37 any corrective actions to be taken.

38 (8) Procedures to develop and provide the training required in
39 subdivision (e). Employees and their collective bargaining

1 representatives, if any, shall be allowed to participate in developing
2 the training.

3 (9) Assessment procedures to identify and evaluate
4 environmental risk factors, including community-based risk factors,
5 for each facility, department, or operation. These procedures shall
6 include a review of all workplace violence incidents that occurred
7 in the facility, department, or operation within the previous year,
8 regardless of whether an injury occurred. This shall also include
9 procedures to identify and evaluate environmental risk factors for
10 workplace violence in each facility, department, or operation of
11 the establishment, including surrounding areas, such as employee
12 parking areas and other outdoor areas. Assessment tools,
13 environmental checklists, or other effective means shall be used
14 to identify locations and situations where violent incidents are
15 more likely to occur. These procedures shall specify the frequency
16 with which such environmental assessments will take place.
17 Environmental risk factors shall include, but are not limited to, the
18 following:

19 (A) Employees working in locations isolated from other
20 employees because their assignment requires them to work alone,
21 in remote locations, during night or early morning hours, or where
22 an assailant could prevent entry into the work area by responders
23 or other employees.

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

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

28 (D) Lack of effective escape routes.

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

30 (F) Locations within the facility where alarm systems are not
31 operational.

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

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

35 (10) Procedures to correct workplace violence hazards in a
36 timely manner. Engineering and work practice controls shall be
37 used to eliminate or minimize employee exposure to the identified
38 hazards to the extent feasible. The procedures shall include
39 measures that the employer will take to protect employees from
40 imminent hazards immediately and to protect employees from

1 identified serious hazards within seven days of the discovery of
2 the hazard where there is a realistic possibility that death or serious
3 physical harm could result from the hazard. The procedures shall
4 also include, when an identified corrective measure cannot be
5 implemented within this timeframe, interim measures the employer
6 will take to abate the imminent or serious nature of the hazard
7 while completing the permanent control measures. Corrective
8 measures shall include, but are not limited to, the following:

9 (A) Ensuring that sufficient numbers of staff are trained and
10 available to prevent and immediately respond to workplace
11 violence incidents during each shift. A staff person is not
12 considered to be available if other assignments prevent the person
13 from immediately responding to an alarm or other notification of
14 a violent incident.

15 (B) Providing line of sight or other immediate communication
16 in all areas where members of the public may be present. This may
17 include removal of sight barriers, provision of surveillance systems
18 or other sight aids such as mirrors, use of a buddy system,
19 improving illumination, or other effective means.

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

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

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

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

31 (G) Establishing an effective response plan for actual or potential
32 workplace violence emergencies that includes obtaining help from
33 facility security or law enforcement agencies as appropriate.
34 Employees designated to respond to emergencies must not have
35 other assignments that would prevent them from responding
36 immediately to an alarm to assist other staff. The response plan
37 shall also include procedures to respond to mass casualty threats,
38 such as active shooters, by developing evacuation or sheltering
39 plans that are appropriate and feasible for the facility, a procedure

1 for warning employees of the situation, and a procedure for
2 contacting the appropriate law enforcement agency.

3 (11) Procedures for postincident response and investigation,
4 including:

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

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

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

10 (D) Referring employees affected by the incident to worker
11 wellness centers, or employee assistance programs, as appropriate
12 and available.

13 (E) Conducting a postincident debriefing as soon as possible
14 after the incident with all employees, supervisors, and security
15 involved in the incident.

16 (F) Reviewing whether appropriate corrective measures
17 developed under the workplace violence prevention plan, such as
18 adequate staffing, provision and use of alarms or other means of
19 summoning assistance, and response by staff or law enforcement,
20 were effectively implemented.

21 (G) Soliciting from the injured employee and other personnel
22 involved in the incident, and their collective bargaining
23 representative, if any, their opinions regarding the cause of the
24 incident, and whether any measure would have prevented the
25 injury.

26 (12) Provisions prohibiting the employer from maintaining
27 policies that require employees to confront active shooters or
28 suspected shoplifters.

29 (c) The employer shall record information in a violent incident
30 log about every incident, postincident response, and workplace
31 violence injury investigation performed in accordance with
32 paragraph (11) of subdivision (b). Information about each incident
33 shall be based on information solicited from the employees who
34 experienced the workplace violence. The employer shall omit from
35 the violent incident log any element of personal identifying
36 information sufficient to allow identification of any person involved
37 in a violent incident, such as the person's name, address, electronic
38 mail address, telephone number, social security number, or other
39 information that, alone or in combination with other publicly
40 available information, reveals the person's identity. The violent

1 incident log shall be reviewed during the annual review of the
2 workplace violence prevention plan required in subdivision (d).
3 The information recorded in the violent incident log shall include,
4 but is not limited to:

5 (1) The date, time, specific location, and department of the
6 incident.

7 (2) A detailed description of the incident.

8 (3) A classification of who committed the violence, including
9 whether the perpetrator was a client or customer, family or friend
10 of a client or customer, stranger with criminal intent, coworker,
11 supervisor or manager, partner or spouse, parent or relative, or
12 other perpetrator.

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

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

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

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

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

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

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

34 (E) Verbal harassment.

35 (F) Animal attack.

36 (G) Other.

37 (7) Consequences of the incident, including:

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

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

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

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

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

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

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

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

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

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

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

26 (2) Based on the review in paragraph (1), the workplace violence
27 prevention plan shall be updated, in accordance with subparagraphs
28 (B) and (C) of paragraph (4) of subdivision (a) of Section 3203 of
29 Title 8 of the *California* Code of Regulations, in a manner that is
30 specific to each of the units within a facility, the facility as a whole,
31 or the particular operation, as applicable, if necessary. When an
32 update is necessary pursuant to this paragraph for only part of the
33 facility or operation, the update may be limited to the employees
34 in the units or operations affected by the update, independently of
35 the annual review for the facility as a whole, as described in
36 paragraph (1). The updates shall include the following:

37 (A) New or modified tasks and procedures which may affect
38 how the workplace violence prevention plan is implemented, such
39 as changes in staffing, engineering controls, construction or

1 modification of the facilities, evacuation procedures, alarm systems
2 and emergency response.

3 (B) Newly recognized workplace violence hazards.

4 (C) A review and evaluation of workplace violence incidents
5 which result in a serious injury or fatality.

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

8 (e) (1) The employer shall provide effective training to
9 employees, as specified in paragraph (2), that addresses the
10 workplace violence risks that employees may reasonably anticipate
11 to encounter in their jobs. The employer shall have an effective
12 procedure for obtaining the active involvement of employees and
13 their collective bargaining representatives, if any, in developing
14 training curricula and training materials, participating in training
15 sessions, and reviewing and revising the training program. Training
16 material appropriate in content and vocabulary to the educational
17 level, literacy, and language of employees shall be used. All
18 employees of the employer shall receive all training required by
19 this subdivision in person, during work time, at the workplace,
20 and in an atmosphere designed to provide an opportunity for
21 interactive questions and answers with a person knowledgeable
22 about the workplace violence prevention plan.

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

25 (A) Initial training when the workplace violence prevention
26 plan is first established and when an employee is newly hired or
27 newly assigned to perform duties for which the training required
28 in this subparagraph was not previously provided. The training
29 required by this subparagraph shall address the workplace violence
30 hazards identified in the facility, unit, service, or operation, shall
31 address the corrective measures the employer has implemented,
32 and shall include the following:

33 (i) An explanation of the employer's workplace violence
34 prevention plan, including the employer's hazard identification
35 and evaluation procedures, general and personal safety measures
36 the employer has implemented, how the employee may
37 communicate concerns about workplace violence without fear of
38 reprisal, how the employer will address workplace violence
39 incidents, and how the employee can participate in reviewing and
40 revising the plan.

- 1 (ii) How to recognize the potential for violence, factors
2 contributing to the escalation of violence and how to counteract
3 them, and when and how to seek assistance to prevent or respond
4 to violence.
- 5 (iii) Strategies to avoid physical harm.
- 6 (iv) How to recognize alerts, alarms, or other warnings about
7 emergency conditions such as mass casualty threats and how to
8 use identified escape routes or locations for sheltering, as
9 applicable.
- 10 (v) How to prepare for and respond to an active shooter scenario
11 at the workplace. Any training that involves content described in
12 this clause and that is provided at any educational workplaces shall
13 not be provided at any time when, or location where, students are
14 present. For purposes of this clause, “educational workplace”
15 means any workplace where students are educated in any subject
16 matter.
- 17 (vi) How to prepare for and respond to shoplifting, if the
18 employees work in retail.
- 19 (vii) The role of private security personnel, if any.
- 20 (viii) How to report violent incidents to law enforcement.
- 21 (ix) Any resources available to employees for coping with
22 incidents of violence, including, but not limited to, critical incident
23 stress debriefing or employee assistance programs.
- 24 (x) An opportunity for interactive questions and answers with
25 a person knowledgeable about the employer’s workplace violence
26 prevention plan,
- 27 (B) Additional training, which shall be provided when new
28 equipment or work practices are introduced or when a new or
29 previously unrecognized workplace violence hazard has been
30 identified. The additional training may be limited to addressing
31 the new equipment or work practice or new workplace hazard.
- 32 (C) Training on the topics in clauses (i) to (x), inclusive, of
33 subparagraph (A) at least annually thereafter.
- 34 (f) (1) Records of workplace violence hazard identification,
35 evaluation, and correction shall be created and maintained in
36 accordance with paragraph (1) of subdivision (b) of Section 3203
37 of Title 8 of the *California* Code of Regulations, except that the
38 exception to paragraph (1) of subdivision (b) of Section 3203 of
39 Title 8 of the *California* Code of Regulations shall not apply.

1 (2) Training records shall be created and maintained for a
2 minimum of one year and include training dates, contents or a
3 summary of the training sessions, names and qualifications of
4 persons conducting the training, and names and job titles of all
5 persons attending the training sessions. Exception No. 1 to
6 paragraph (2) of subdivision (b) of Section 3203 of Title 8 of the
7 *California Code of Regulations* shall not apply to these training
8 records.

9 (3) Records of violent incidents, including, but not limited to,
10 violent incident logs required by subdivision (c) and workplace
11 violence injury investigations conducted pursuant to paragraph
12 (11) of subdivision (b), shall be maintained for a minimum of five
13 years or pursuant to other law, whichever is greater.
14 Notwithstanding any law, these records shall not contain “medical
15 information,” as defined by subdivision (i) of Section 56.05 of the
16 Civil Code.

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

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

24 ~~SEC. 4.~~

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