

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**

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**Introduced by Senator Cortese**

February 15, 2023

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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.

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, commencing January 1, 2025, 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 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  
29 of directors of private, public, and quasi-public corporations and  
30 elected and appointed public officers. For purposes of this section  
31 only, “employee” also includes a volunteer or independent  
32 contractor who performs services for the employer at the  
33 employer’s worksite.

34 (4) “Petitioner” means the employer that petitions under  
35 subdivision (a) for a temporary restraining order and order after  
36 hearing.

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

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

7 (A) An order enjoining a party from harassing, intimidating,  
8 molesting, attacking, striking, stalking, threatening, sexually  
9 assaulting, battering, abusing, telephoning, including, but not  
10 limited to, making annoying telephone calls as described in Section  
11 653m of the Penal Code, destroying personal property, contacting,  
12 either directly or indirectly, by mail or otherwise, or coming within  
13 a specified distance of, or disturbing the peace of, the employee.

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

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

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

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

29 (e) Upon filing a petition under this section, the petitioner may  
30 obtain a temporary restraining order in accordance with subdivision  
31 (a) of Section 527, if the petitioner also files a declaration that, to  
32 the satisfaction of the court, shows reasonable proof that an  
33 employee has suffered unlawful violence or a credible threat of  
34 violence by the respondent, and that great or irreparable harm  
35 would result to an employee. The temporary restraining order may  
36 include any of the protective orders described in paragraph (6) of  
37 subdivision (b).

38 (f) A request for the issuance of a temporary restraining order  
39 without notice under this section shall be granted or denied on the  
40 same day that the petition is submitted to the court, unless the

1 petition is filed too late in the day to permit effective review, in  
2 which case the order shall be granted or denied on the next day of  
3 judicial business in sufficient time for the order to be filed that day  
4 with the clerk of the court.

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

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

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

19 (j) At the hearing, the judge shall receive any testimony that is  
20 relevant and may make an independent inquiry. Moreover, if the  
21 respondent is a current employee of the entity requesting the order,  
22 the judge shall receive evidence concerning the employer's decision  
23 to retain, terminate, or otherwise discipline the respondent. If the  
24 judge finds by clear and convincing evidence that the respondent  
25 engaged in unlawful violence or made a credible threat of violence,  
26 an order shall issue prohibiting further unlawful violence or threats  
27 of violence.

28 (k) (1) In the discretion of the court, an order issued after notice  
29 and hearing under this section may have a duration of not more  
30 than three years, subject to termination or modification by further  
31 order of the court either on written stipulation filed with the court  
32 or on the motion of a party. These orders may be renewed, upon  
33 the request of a party, for a duration of not more than three years,  
34 without a showing of any further violence or threats of violence  
35 since the issuance of the original order, subject to termination or  
36 modification by further order of the court either on written  
37 stipulation filed with the court or on the motion of a party. The  
38 request for renewal may be brought at any time within the three  
39 months before the expiration of the order.

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

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

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

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

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

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

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

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

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

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

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

26  
27 “If you have been personally served with this temporary  
28 restraining order and notice of hearing, but you do not appear at  
29 the hearing either in person or by a lawyer, and a restraining order  
30 that is the same as this restraining order except for the expiration  
31 date is issued at the hearing, a copy of the order will be served on  
32 you by mail at the following address: \_\_\_\_.

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

37  
38 (r) (1) Information on a temporary restraining order or order  
39 after hearing relating to workplace violence issued by a court

1 pursuant to this section shall be transmitted to the Department of  
2 Justice in accordance with either paragraph (2) or (3).

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

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

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

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

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

29 (5) At the request of the petitioner, an order issued under this  
30 section shall be served on the respondent, regardless of whether  
31 the respondent has been taken into custody, by any law  
32 enforcement officer who is present at the scene of reported  
33 unlawful violence or a credible threat of violence involving the  
34 parties to the proceedings. The petitioner shall provide the officer  
35 with an endorsed copy of the order and proof of service that the  
36 officer shall complete and send to the issuing court.

37 (6) Upon receiving information at the scene of an incident of  
38 unlawful violence or a credible threat of violence that a protective  
39 order has been issued under this section, or that a person who has  
40 been taken into custody is the subject of an order, if the petitioner

1 or the protected person cannot produce an endorsed copy of the  
2 order, a law enforcement officer shall immediately attempt to  
3 verify the existence of the order.

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

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

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

27 (3) Every person who owns, possesses, purchases or receives,  
28 or attempts to purchase or receive a firearm or ammunition while  
29 the protective order is in effect is punishable pursuant to Section  
30 29825 of the Penal Code.

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

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

37 (v) (1) The Judicial Council shall develop forms, instructions,  
38 and rules for relating to matters governed by this section. The  
39 forms for the petition and response shall be simple and concise,

1 and their use by parties in actions brought pursuant to this section  
2 shall be mandatory.

3 (2) A temporary restraining order or order after hearing relating  
4 to unlawful violence or a credible threat of violence issued by a  
5 court pursuant to this section shall be issued on forms adopted by  
6 the Judicial Council of California and that have been approved by  
7 the Department of Justice pursuant to subdivision (i) of Section  
8 6380 of the Family Code. However, the fact that an order issued  
9 by a court pursuant to this section was not issued on forms adopted  
10 by the Judicial Council and approved by the Department of Justice  
11 shall not, in and of itself, make the order unenforceable.

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

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

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

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

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

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

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

39 527.8. (a) Any employer or collective bargaining representative  
40 of an employee who has suffered unlawful violence or a credible

1 threat of violence from any individual, that can reasonably be  
2 construed to be carried out or to have been carried out at the  
3 workplace, may seek a temporary restraining order and an order  
4 after hearing on behalf of the employee and, at the discretion of  
5 the court, any number of other employees at the workplace, and,  
6 if appropriate, other employees at other workplaces of the  
7 employer. For purposes of this section only, a person may bring  
8 a petition for a temporary restraining order and an order after  
9 hearing on behalf of an employee as their collective bargaining  
10 representative only if the person serves as a collective bargaining  
11 representative for that employee in employment or labor matters  
12 at the employee's workplace.

13 (b) For purposes of this section:

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

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

26 (3) "Employer" and "employee" mean persons defined in  
27 Section 350 of the Labor Code. "Employer" also includes a federal  
28 agency, the state, a state agency, a city, county, or district, and a  
29 private, public, or quasi-public corporation, or any public agency  
30 thereof or therein. "Employee" also includes the members of boards  
31 of directors of private, public, and quasi-public corporations and  
32 elected and appointed public officers. For purposes of this section  
33 only, "employee" also includes a volunteer or independent  
34 contractor who performs services for the employer at the  
35 employer's worksite.

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

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

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

7 (A) An order enjoining a party from harassing, intimidating,  
8 molesting, attacking, striking, stalking, threatening, sexually  
9 assaulting, battering, abusing, telephoning, including, but not  
10 limited to, making annoying telephone calls as described in Section  
11 653m of the Penal Code, destroying personal property, contacting,  
12 either directly or indirectly, by mail or otherwise, or coming within  
13 a specified distance of, or disturbing the peace of, the employee.

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

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

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

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

32 (e) Upon filing a petition under this section, the petitioner may  
33 obtain a temporary restraining order in accordance with subdivision  
34 (a) of Section 527, if the petitioner also files a declaration that, to  
35 the satisfaction of the court, shows reasonable proof that an  
36 employee has suffered unlawful violence or a credible threat of  
37 violence by the respondent, and that great or irreparable harm  
38 would result to an employee. The temporary restraining order may  
39 include any of the protective orders described in paragraph (6) of  
40 subdivision (b).

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

8 (g) A temporary restraining order granted under this section  
9 shall remain in effect, at the court’s discretion, for a period not to  
10 exceed 21 days, or if the court extends the time for hearing under  
11 subdivision (h), not to exceed 25 days, unless otherwise modified  
12 or terminated by the court.

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

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

22 (j) At the hearing, the judge shall receive any testimony that is  
23 relevant and may make an independent inquiry. Moreover, if the  
24 respondent is currently employed by the employer of the employee,  
25 as described in subdivision (a), the judge shall receive evidence  
26 concerning the employer’s decision to retain, terminate, or  
27 otherwise discipline the respondent. If the judge finds by clear and  
28 convincing evidence that the respondent engaged in unlawful  
29 violence or made a credible threat of violence, an order shall issue  
30 prohibiting further unlawful violence or threats of violence.

31 (k) (1) In the discretion of the court, an order issued after notice  
32 and hearing under this section may have a duration of not more  
33 than three years, subject to termination or modification by further  
34 order of the court either on written stipulation filed with the court  
35 or on the motion of a party. These orders may be renewed, upon  
36 the request of a party, for a duration of not more than three years,  
37 without a showing of any further violence or threats of violence  
38 since the issuance of the original order, subject to termination or  
39 modification by further order of the court either on written  
40 stipulation filed with the court or on the motion of a party. The

1 request for renewal may be brought at any time within the three  
2 months before the expiration of the order.

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

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

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

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

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

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

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

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

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

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

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

26  
27 “If you have been personally served with this temporary  
28 restraining order and notice of hearing, but you do not appear at  
29 the hearing either in person or by a lawyer, and a restraining order  
30 that is the same as this restraining order except for the expiration  
31 date is issued at the hearing, a copy of the order will be served on  
32 you by mail at the following address: \_\_\_\_.

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

37  
38 (r) (1) Information on a temporary restraining order or order  
39 after hearing relating to workplace violence issued by a court

1 pursuant to this section shall be transmitted to the Department of  
2 Justice in accordance with either paragraph (2) or (3).

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

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

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

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

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

29 (5) At the request of the petitioner, an order issued under this  
30 section shall be served on the respondent, regardless of whether  
31 the respondent has been taken into custody, by any law  
32 enforcement officer who is present at the scene of reported  
33 unlawful violence or a credible threat of violence involving the  
34 parties to the proceedings. The petitioner shall provide the officer  
35 with an endorsed copy of the order and proof of service that the  
36 officer shall complete and send to the issuing court.

37 (6) Upon receiving information at the scene of an incident of  
38 unlawful violence or a credible threat of violence that a protective  
39 order has been issued under this section, or that a person who has  
40 been taken into custody is the subject of an order, if the petitioner

1 or the protected person cannot produce an endorsed copy of the  
2 order, a law enforcement officer shall immediately attempt to  
3 verify the existence of the order.

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

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

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

27 (3) Every person who owns, possesses, purchases or receives,  
28 or attempts to purchase or receive a firearm or ammunition while  
29 the protective order is in effect is punishable pursuant to Section  
30 29825 of the Penal Code.

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

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

37 (v) (1) The Judicial Council shall develop forms, instructions,  
38 and rules for relating to matters governed by this section. The  
39 forms for the petition and response shall be simple and concise,

1 and their use by parties in actions brought pursuant to this section  
2 shall be mandatory.

3 (2) A temporary restraining order or order after hearing relating  
4 to unlawful violence or a credible threat of violence issued by a  
5 court pursuant to this section shall be issued on forms adopted by  
6 the Judicial Council of California and that have been approved by  
7 the Department of Justice pursuant to subdivision (i) of Section  
8 6380 of the Family Code. However, the fact that an order issued  
9 by a court pursuant to this section was not issued on forms adopted  
10 by the Judicial Council and approved by the Department of Justice  
11 shall not, in and of itself, make the order unenforceable.

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

22 (x) (1) Subject to paragraph (4) of subdivision (b) of Section  
23 6103.2 of the Government Code, there shall be no fee for the  
24 service of process by a sheriff or marshal of a temporary restraining  
25 order or order after hearing to be issued pursuant to this section if  
26 either of the following conditions applies:

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

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

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

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

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

38 6401.7. (a) Every employer shall establish, implement, and  
39 maintain an effective injury prevention program. The program

1 shall be written, except as provided in subdivision (e), and shall  
2 include, but not be limited to, the following elements:

3 (1) Identification of the person or persons responsible for  
4 implementing the program.

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

8 (3) The employer's methods and procedures for correcting  
9 unsafe or unhealthy conditions and work practices in a timely  
10 manner.

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

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

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

22 (7) A workplace violence prevention plan conforming ~~with~~ to  
23 the requirements of Section 6401.9.

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

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

1 required to provide training on hazards specific to an employee's  
2 job duties.

3 (d) The employer shall keep appropriate records of steps taken  
4 to implement and maintain the program. An employer in the  
5 construction industry who is required to be licensed under Chapter  
6 9 (commencing with Section 7000) of Division 3 of the Business  
7 and Professions Code may use records relating to employee training  
8 provided to the employer in connection with an occupational safety  
9 and health training program approved by the division to comply  
10 with this subdivision, and shall only be required to keep records  
11 of those steps taken to implement and maintain the program with  
12 respect to hazards specific to an employee's job duties.

13 (e) (1) The standards board shall adopt a standard setting forth  
14 the employer's duties under this section, on or before January 1,  
15 1991, consistent with the requirements specified in subdivisions  
16 (a), (b), (c), and (d). The standards board, in adopting the standard,  
17 shall include substantial compliance criteria for use in evaluating  
18 an employer's injury prevention program. The board may adopt  
19 less stringent criteria for employers with few employees and for  
20 employers in industries with insignificant occupational safety or  
21 health hazards.

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

39 (3) (A) The division shall establish a list of high hazard  
40 industries using the methods prescribed in Section 6314.1 for

1 identifying and targeting employers in high hazard industries. For  
2 purposes of this subdivision, the “designated list of high hazard  
3 industries” shall be the list established pursuant to this paragraph.

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

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

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

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

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

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

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

37 (h) The employer’s injury prevention program, as required by  
38 this section, shall cover all of the employer’s employees and all  
39 other workers who the employer controls or directs and directly  
40 supervises on the job to the extent these workers are exposed to

1 worksite and job assignment specific hazards. Nothing in this  
2 subdivision shall affect the obligations of a contractor or other  
3 employer that controls or directs and directly supervises its own  
4 employees on the job.

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

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

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

1 (3) The division shall prepare a Model Injury and Illness  
2 Prevention Program for Employers in Industries with Intermittent  
3 Employment, and shall determine which industries have historically  
4 utilized seasonal or intermittent employees. An employer in an  
5 industry determined by the division to have historically utilized  
6 seasonal or intermittent employees shall be deemed to have  
7 complied with the requirements of subdivision (a) with respect to  
8 a written injury prevention program if the employer adopts the  
9 model program prepared by the division pursuant to this paragraph  
10 and complies with any instructions relating thereto.

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

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

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

35 6401.9. (a) For purposes of this section, the following  
36 definitions apply:

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

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

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

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

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

12 ~~(3)~~  
13 (4) “Engineering controls” means an aspect of the built space  
14 or a device that removes a hazard from the workplace or creates  
15 a barrier between the worker and the hazard. For purposes of  
16 reducing workplace violence hazards, “engineering controls”  
17 include, but are not limited to, electronic access controls to  
18 employee occupied areas, installed or handheld weapon detectors,  
19 enclosed workstations with shatter-resistant glass, deep service  
20 counters, locks on doors, closed-circuit television monitoring and  
21 video recording, sight aids, and personal alarm devices.

22 ~~(4)~~  
23 (5) “Environmental risk factors” means factors in the facility  
24 or area in which services or operations are conducted that may  
25 contribute to the likelihood or severity of a workplace violence  
26 incident. “Environmental risk factors” include, but are not limited  
27 to, risk factors associated with the specific task being performed,  
28 such as the collection of money.

29 ~~(5)~~  
30 (6) “Employer’s facilities” shall not include facilities operated  
31 by the Department of Corrections and Rehabilitation.

32 ~~(6)~~  
33 (7) “Threat of violence” means a statement or conduct that  
34 causes a person to fear for the person’s safety because there is a  
35 reasonable possibility the person might be physically injured, and  
36 that serves no legitimate purpose.

37 ~~(7)~~  
38 (8) “Work practice controls” means procedures, rules, and  
39 staffing ~~which~~ *that* are used to effectively reduce workplace  
40 violence hazards. Work practice controls include, but are not

1 limited to, appropriate staffing levels, provision of dedicated safety  
2 personnel, ~~such as security guards~~, employee training on workplace  
3 violence prevention methods, and employee training on procedures  
4 to follow in the event of a workplace violence incident.

5 ~~(8)~~

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

16 (b) As part of the injury prevention program required by Section  
17 6401.7, every employer shall establish, implement, and maintain,  
18 at all times in all of the employer’s facilities, a workplace violence  
19 prevention plan for purposes of protecting employees and other  
20 personnel from aggressive and violent behavior at the workplace.  
21 The workplace violence prevention plan may be incorporated into  
22 the written injury prevention program as a separate chapter or may  
23 be maintained as a separate document, and shall include all of the  
24 following elements:

25 (1) The names or job titles of the persons responsible for  
26 implementing and maintaining the workplace violence prevention  
27 plan.

28 (2) Effective procedures to obtain the active involvement of  
29 employees and their collective bargaining representatives, if any,  
30 in developing, implementing, and reviewing the workplace violence  
31 prevention plan, including their participation in identifying,  
32 evaluating, and correcting workplace violence hazards, designing  
33 and implementing training, and reporting and investigating  
34 workplace violence incidents.

35 (3) Methods the employer will use to coordinate implementation  
36 of the workplace violence prevention plan with other employers  
37 whose employees work in the same facility, department, or  
38 operation, to ensure that those employers and employees  
39 understand their respective roles as provided in the workplace  
40 violence prevention plan. These methods shall ensure that all

1 employees are provided the training required by subdivision (e)  
2 and shall ensure that workplace violence incidents involving any  
3 employee are reported, investigated, and recorded.

4 (4) Effective procedures for obtaining assistance from the  
5 appropriate law enforcement agency during all work shifts. The  
6 procedure may establish a central coordination procedure and shall  
7 also include a policy statement prohibiting the employer from  
8 disallowing an employee from, or taking punitive or retaliatory  
9 action against an employee for, seeking assistance and intervention  
10 from local emergency services or law enforcement when a violent  
11 incident occurs.

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

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

17 (7) Procedures to communicate with employees regarding  
18 workplace violence matters, including:

19 (A) How employees will document and communicate to other  
20 employees and between shifts and departments, facilities, or  
21 operations, information regarding conditions that may increase the  
22 potential for workplace violence incidents.

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

25 (C) How employees can communicate workplace violence  
26 concerns without fear of reprisal.

27 (D) How employee concerns will be investigated and how  
28 employees will be informed of the results of the investigation and  
29 any corrective actions to be taken.

30 (8) Procedures to develop and provide the training required in  
31 subdivision (e). Employees and their collective bargaining  
32 representatives, if any, shall be allowed to participate in developing  
33 the training.

34 (9) Assessment procedures to identify and evaluate  
35 environmental risk factors, including community-based risk factors,  
36 for each facility, department, or operation. These procedures shall  
37 include a review of all workplace violence incidents that occurred  
38 in the facility, department, or operation within the previous year,  
39 regardless of whether an injury occurred. This shall also include  
40 procedures to identify and evaluate environmental risk factors for

1 workplace violence in each facility, department, or operation of  
2 the establishment, including surrounding areas, such as employee  
3 parking areas and other outdoor areas. Assessment tools,  
4 environmental checklists, or other effective means shall be used  
5 to identify locations and situations where violent incidents are  
6 more likely to occur. These procedures shall specify the frequency  
7 with which ~~such~~ *those* environmental assessments will take place.  
8 Environmental risk factors shall include, but are not limited to, the  
9 following:

10 (A) Employees working in locations isolated from other  
11 employees because their assignment requires them to work alone,  
12 in remote locations, during night or early morning hours, or where  
13 an assailant could prevent entry into the work area by responders  
14 or other employees.

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

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

19 (D) Lack of effective escape routes.

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

21 (F) Locations within the facility where alarm systems are not  
22 operational.

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

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

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

1 (A) Ensuring that sufficient numbers of staff are trained and  
2 available to prevent and immediately respond to workplace  
3 violence incidents during each shift. A staff person is not  
4 considered to be available if other assignments prevent the person  
5 from immediately responding to an alarm or other notification of  
6 a violent incident.

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

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

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

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

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

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

34 (11) Procedures for postincident response and investigation,  
35 including:

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

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

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

1 (D) Referring employees affected by the incident to worker  
2 wellness centers, or employee assistance programs, as appropriate  
3 and available.

4 (E) Conducting a postincident debriefing as soon as possible  
5 after the incident with all employees, supervisors, and security  
6 involved in the incident.

7 (F) Reviewing whether appropriate corrective measures  
8 developed under the workplace violence prevention plan, such as  
9 adequate staffing, provision and use of alarms or other means of  
10 summoning assistance, and response by staff or law enforcement,  
11 were effectively implemented.

12 (G) Soliciting from the injured employee and other personnel  
13 involved in the incident, and their collective bargaining  
14 representative, if any, their opinions regarding the cause of the  
15 incident, and whether any measure would have prevented the  
16 injury.

17 (12) Provisions prohibiting the employer from maintaining  
18 policies that require employees *who are not dedicated safety*  
19 *personnel* to confront active shooters or suspected shoplifters.

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

36 (1) The date, time, specific location, and department of the  
37 incident.

38 (2) A detailed description of the incident.

39 (3) A classification of who committed the violence, including  
40 whether the perpetrator was a client or customer, family or friend

1 of a client or customer, stranger with criminal intent, coworker,  
2 supervisor or manager, partner or spouse, parent or relative, or  
3 other perpetrator.

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

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

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

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

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

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

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

25 (E) Verbal harassment.

26 (F) Animal attack.

27 (G) Other.

28 (7) Consequences of the incident, including:

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

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

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

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

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

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

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

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

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

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

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

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

29 (A) New or modified tasks and procedures ~~which~~ *that* may affect  
30 how the workplace violence prevention plan is implemented, such  
31 as changes in staffing, engineering controls, construction or  
32 modification of the facilities, evacuation procedures, alarm systems  
33 and emergency response.

34 (B) Newly recognized workplace violence hazards.

35 (C) A review and evaluation of workplace violence incidents  
36 ~~which~~ *that* result in a serious injury or fatality.

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

39 (e) (1) The employer shall provide effective training to  
40 employees, as specified in paragraph (2), that addresses the

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

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

16 (A) Initial training when the workplace violence prevention  
17 plan is first established and when an employee is newly hired or  
18 newly assigned to perform duties for which the training required  
19 in this subparagraph was not previously provided. The training  
20 required by this subparagraph shall address the workplace violence  
21 hazards identified in the facility, unit, service, or operation, shall  
22 address the corrective measures the employer has implemented,  
23 and shall include the following:

24 (i) An explanation of the employer's workplace violence  
25 prevention plan, including the employer's hazard identification  
26 and evaluation procedures, general and personal safety measures  
27 the employer has implemented, how the employee may  
28 communicate concerns about workplace violence without fear of  
29 reprisal, how the employer will address workplace violence  
30 incidents, and how the employee can participate in reviewing and  
31 revising the plan.

32 (ii) How to recognize the potential for violence, factors  
33 contributing to the escalation of violence and how to counteract  
34 them, and when and how to seek assistance to prevent or respond  
35 to violence.

36 (iii) Strategies to avoid physical harm.

37 (iv) How to recognize alerts, alarms, or other warnings about  
38 emergency conditions such as mass casualty threats and how to  
39 use identified escape routes or locations for sheltering, as  
40 applicable.

- 1 (v) How to prepare for and respond to an active shooter scenario
- 2 at the workplace. Any training that involves content described in
- 3 this clause and that is provided at any educational workplaces shall
- 4 not be provided at any time when, or location where, students are
- 5 present. For purposes of this clause, “educational workplace”
- 6 means any workplace where students are educated in any subject
- 7 matter.
- 8 (vi) How to prepare for and respond to shoplifting, if the
- 9 employees work in retail.
- 10 (vii) The role of private security personnel, if any.
- 11 (viii) How to report violent incidents to law enforcement.
- 12 (ix) Any resources available to employees for coping with
- 13 incidents of violence, including, but not limited to, critical incident
- 14 stress debriefing or employee assistance programs.
- 15 (x) An opportunity for interactive questions and answers with
- 16 a person knowledgeable about the employer’s workplace violence
- 17 prevention plan,
- 18 (B) Additional training, which shall be provided when new
- 19 equipment or work practices are introduced or when a new or
- 20 previously unrecognized workplace violence hazard has been
- 21 identified. The additional training may be limited to addressing
- 22 the new equipment or work practice or new workplace hazard.
- 23 (C) Training on the topics in clauses (i) to (x), inclusive, of
- 24 subparagraph (A) at least annually thereafter.
- 25 (f) (1) Records of workplace violence hazard identification,
- 26 evaluation, and correction shall be created and maintained in
- 27 accordance with paragraph (1) of subdivision (b) of Section 3203
- 28 of Title 8 of the California Code of Regulations, except that the
- 29 exception to paragraph (1) of subdivision (b) of Section 3203 of
- 30 Title 8 of the California Code of Regulations shall not apply.
- 31 (2) Training records shall be created and maintained for a
- 32 minimum of one year and include training dates, contents or a
- 33 summary of the training sessions, names and qualifications of
- 34 persons conducting the training, and names and job titles of all
- 35 persons attending the training sessions. Exception No. 1 to
- 36 paragraph (2) of subdivision (b) of Section 3203 of Title 8 of the
- 37 California Code of Regulations shall not apply to these training
- 38 records.
- 39 (3) Records of violent incidents, including, but not limited to,
- 40 violent incident logs required by subdivision (c) and workplace

1 violence injury investigations conducted pursuant to paragraph  
2 (11) of subdivision (b), shall be maintained for a minimum of five  
3 years or pursuant to other law, whichever is greater.  
4 Notwithstanding any law, these records shall not contain “medical  
5 information,” as defined by subdivision (i) of Section 56.05 of the  
6 Civil Code.

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

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

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