

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~~ *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.