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Labor & Employment Alert

March 19, 2024

California's new mandatory workplace violence prevention plan

By David Prager and Adriana Levandowski

Ahead of the fast-approaching July 1, 2024, deadline for California employers to implement a workplace violence prevention plan, CalOSHA has released its model plan.



What's the impact?

- With limited exceptions, most California employers will need to comply with SB 553 by July 1, 2024.
- Employers must develop a Workplace Violence Prevention Plan, administer an annual training, and maintain a Violent Incident Log.
- Violent Incident Logs must be kept on file for five years and training records must be kept on file for one year.

A [new California law](#) for 2024, Senate Bill 553 requires virtually all California employers to adopt and implement a workplace violence prevention plan (WVPP) no later than July 1, 2024. This alert delves into the specifics of the [model plan](#), its implications for employers, and the actions required to comply with the new legislative requirements.

Who needs to comply?

Public and private employers with California employees must comply, with some limited exceptions. For example, there is an exemption for places of employment where there are fewer than 10 employees present at any given time and which are not accessible to the public. There is also an exemption for employees telecommuting from a location of their own choosing that is not under the employer's control. In addition, healthcare facilities covered by Section 3342 of Title 8 of the California Code of Regulations are exempt from SB 553 and should refer to Section 3342's requirements instead.

Key components of the Workplace Violence Prevention Plan

CalOSHA's model plan outlines the specific responsibilities for WVPP administrators and encompasses a range of policies and procedures designed to facilitate the reporting and investigation of workplace violence incidents, the identification and evaluation of hazards, emergency response protocols, training and instruction for employees, and mechanisms for plan review and revision.

The WVPP must be in writing and be easily accessible to employees. Important highlights of the WVPP model plan include:

- / The name(s) or job title(s) of the person(s) responsible for implementing the WVPP;
- / A system for identifying and evaluating workplace hazards;
- / Procedures that allow for employee participation in developing and implementing the plan as well as to identify, evaluate, and correct workplace violence hazards;
- / Procedures for accepting and responding to reports of workplace violence, including a prohibition on retaliating against the employee making the report;
- / Procedures to communicate workplace violence matters with employees, including how to report an incident without fear of retaliation;
- / Procedures to investigate employee concerns;
- / Procedures for responding to an actual or potential workplace violence emergency, including the means to alert employees of the emergency and obtain help from staff designated to respond, and evacuation and shelter plans; and
- / Procedures for post-incident response and investigation.

Employee training requirements

In addition to the implementation of a WVPP, employers are required to administer training to employees both when the initial plan is established and annually thereafter. Employers are

required to keep training records for a period of one year and any individual with knowledge of the employers WVPP may administer the training.

WVPP trainings must include the following:

- / A system for identifying and evaluating workplace hazards;
- / Methods and procedures to correct unsafe or unhealthy conditions and work practices in a timely fashion;
- / An occupational health and safety training program to teach safe and healthy work practices and provide instruction specific to an employee's particular hazards;
- / A system for ensuring that employees comply with safe and healthy work practices, which may include disciplinary consequences;
- / Procedures that allow for employee participation in developing and implementing the plan as well as to identify, evaluate, and correct workplace violence hazards;
- / Procedures for accepting and responding to reports of workplace violence, including a prohibition on retaliating against the employee making the report;
- / Procedures to communicate workplace violence matters with employees, including how to report an incident without fear of retaliation;
- / Procedures to investigate employee concerns;
- / Procedures for responding to an actual or potential workplace violence emergency, including the means to alert employees of the emergency and obtain help from staff designated to respond, and evacuation and shelter plans; and
- / Procedures for post-incident response and investigation.

Recordkeeping requirements

WORKPLACE VIOLENCE HAZARD IDENTIFICATION

Records of workplace violence hazard identification, evaluation, and correction shall be created and maintained for a minimum of five years.

WORKPLACE INCIDENT INVESTIGATION RECORDS

Records of workplace violence incident investigations conducted in accordance with an employer's WVPP shall be maintained for a minimum of five years.

VIOLENT INCIDENT LOGS

Each violent incident must be recorded in a violent incident log that is maintained for at least five years. The log must include a number of detailed classifications and descriptions including information from witnesses and investigative findings. No personal identifying information may be included.

TRAININGS

Records of WVPP trainings are to be maintained for at least one year. Trainings records must include training dates, contents or a summary of the training sessions, names and qualifications of persons conducting the training, and names and job titles of all persons attending the training sessions.

Immediate compliance required

Employers must act swiftly to review the full requirements of SB 553, tailor the model plan to their specific workplace needs, and engage employees in the process. This involves filling in worksite-specific information as indicated, ensuring the plan's accessibility, and actively involving employees with the development and implementation of the plan.

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