



# CALIFORNIA WORKPLACE VIOLENCE PREVENTION PLAN

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- If you have any questions, or require further information on these materials, please do not hesitate to call our office at: (818) 241-0103.



# Roadmap for Discussion

- Workplace Violence Prevention Standard (SB 553)
- What is Workplace Violence?
- Preparing a Workplace Violence Prevention Plan
- Training
- Logs and Recordkeeping



# General Requirements

- All California employers must “establish, implement and maintain” an effective workplace violence prevention plan **by July 1, 2024**
- The Plan must be:
  - ✓ In writing
  - ✓ Easily accessible at all times to all employees (and their unions)
  - ✓ In effect at all times and in all work areas
  - ✓ Specific to the hazards and corrective measures for each work area and operation



# General Requirements (cont.)

Does it apply to all employees? Most likely yes, but there are exceptions:

- Places of employment where there are fewer than 10 employees working at any given time and that is not accessible to the public
- Employees teleworking from location of the employee's choice, which is not under the ER's control
- Health care facilities already covered by Cal/OSHA Healthcare Standard



# What is Workplace Violence?

Any act of violence or threat of violence that occurs in a place of employment including:

- Threat or use of physical force against EE that results in, or has high likelihood of resulting in, injury, psychological trauma, or stress, **regardless of whether EE sustains an injury**
- Incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the EE sustains an injury

# What is Workplace Violence?

*Threat of violence* includes:

- Verbal or written statements
- Texts
- Electronic messages
- Social media or online posts
- “or any behavioral or physical conduct that conveys an intent, or that is reasonably perceived to convey an intent, to cause physical harm or to place someone in fear of physical harm, and that serves no legitimate purpose.”



# Types of Workplace Violence

The log must include the “workplace violence type”

- **Type 1 Violence:**

Workplace violence committed by a person who has no legitimate business at the worksite, including violent acts by anyone who enters the workplace or approaches workers with the intent to commit a crime

- **Type 2 Violence:**

Workplace violence directed at employees by customers, clients, patients, students, inmates or visitors





# Types of Workplace Violence (cont.)

- **Type 3 Violence:**

Workplace violence against an employee by a present or former employee, supervisor, or manager

- **Type 4 Violence:**

Workplace violence committed in the workplace by a person who does not work there, but who has or is known to have had a personal relationship with an employee

# Preparing a Workplace Violence Prevention Plan – The Basics

The WVP Plan must:

- Be in writing
- Available and easily accessible to employees, authorized employee representatives
- Must be in effect at all times and in all work areas



# Preparing a Workplace Violence Prevention Plan – The Basics (cont.)

- Must be specific to the hazards and corrective measures for each work area and operation
- Can be a stand-alone section in the injury and illness prevention program (IIPP) or a separate document

# Preparing a Workplace Violence Prevention Plan – The Details

The law establishes at least eleven (11) specific elements that must be in the Plan:

- Must identify the names or job titles of the individuals responsible for implementing the Plan
- If multiple individuals are responsible for implementing the Plan, each individual's role must be clearly described in the Plan



# Preparing a Workplace Violence Prevention Plan – The Details (cont.)

Employee participation – must describe “effective procedures” to get the “active involvement” of employees and unions (!) in developing and implementing the Plan. This includes:

- Identifying, evaluating, and correcting workplace violence hazards
- Designing and implementing training
- Reporting and investigating incidents of workplace violence

# Preparing a Workplace Violence Prevention Plan – The Details (cont.)

- Must include methods ER will use to coordinate implementation of the Plan with other employers (when applicable)
- Must include effective procedures for an employer to accept and respond to reports of workplace violence
  - ✓ Must also **prohibit retaliation** against any employee for reporting workplace violence



# Preparing a Workplace Violence Prevention Plan – The Details (cont.)

Must include effective procedures to ensure that supervisory and nonsupervisory employees comply with the Plan; examples

- Recognizing employees who follow safe and healthful work practices
- Training and re-training programs
- Disciplinary actions
- Any other means that ensures employees comply with safe work practices

# Preparing a Workplace Violence Prevention Plan – The Details (cont.)

Must include effective procedures for communicating with employees regarding workplace violence matters, including:

- Employees can report a violent incident, threat or other workplace violence concern to the ER or law enforcement, without fear of retaliation
- Employees' concerns will be investigated
- Employees will be informed of results of investigations and any corrective actions by employer





# Preparing a Workplace Violence Prevention Plan – The Details (cont.)

Must include effective procedures for responding to an actual or potential workplace violence emergencies, including:

- How to alert employees of a current workplace violence emergency
- Evacuation or sheltering plans appropriate and feasible for the work location
- How to get help from staff assigned to respond to workplace violence emergencies, security personnel and law enforcement

# Preparing a Workplace Violence Prevention Plan – The Details (cont.)

- Must include procedures to develop and provide training (more on this later)
- Must include procedures to identify and evaluate workplace violence hazards
  - ✓ Periodic inspections are required and should be detailed in the Plan
  - ✓ Note > inspections must be done when the Plan is established, after each incident of workplace violence, and whenever employer is made aware of a new or previously unrecognized hazard

# Preparing a Workplace Violence Prevention Plan – The Details (cont.)

- Must include procedures for timely correcting workplace violence hazards based on the severity of the hazard
- Must include procedures for post-incident response and investigation



# Training Procedures

Employers must provide “effective training” and training materials used must be “appropriate in content, vocabulary level, literacy and language of employees”

- Frequency of training?
  - ✓ When the Plan is first established – this must be completed by July 1, 2024
  - ✓ Annually
  - ✓ Additional training required when new or previously unrecognized workplace violence hazards have been identified
  - ✓ When a change is made to the Plan



# Training Procedures (cont.)

What should be in the training? Everything that is in the Plan!

- How to get a copy of the Plan
- How to participate in development and implementation of the Plan
- All of the definitions in the law (e.g., “threat of violence,” “workplace violence” including the 4 types of violence)



# Training Procedures (cont.)

What else should be in the training?

- How to report incidents of workplace violence to ER or law enforcement (without fear of retaliation)
- Workplace violence hazards specific to the employees' jobs
- Corrective measures the ER has implemented



# Training Procedures (cont.)

- How to seek assistance to prevent or respond to violence
- Strategies to avoid physical harm
- Describe the violent incident log required

Format? “Opportunity for interactive questions and answers with person knowledgeable about the employer’s Plan”



# Training Procedures (cont.)

- Sample “roadmap” for training:

In today’s training, you will ...

- Learn about California’s Workplace Violence Prevention Law
- Learn how to identify, evaluate and correct workplace violence hazards
- Learn about our Credit Union’s Workplace Violence Prevention Plan and how to get involved in developing & implementing our Plan
- Learn how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm





# Incident Logs and Recordkeeping

## Violent Incident Logs

- Employer must create violent incident log for every incident of workplace violence
- Log must be based on information solicited from employees who experienced the workplace violence, witness statements, and investigation findings

# Incident Logs and Recordkeeping (cont.)

- **Log must exclude personal identifying information** for any person involved in the violent incident
  - ✓ Name
  - ✓ Home
  - ✓ Email
  - ✓ Phone number
  - ✓ SSN
  - ✓ Or other information that could reveal the person's identity
- Log must be reviewed during the periodic reviews of the Plan
- Retention period of five (5) years



# Incident Logs and Recordkeeping (cont.)

## Recordkeeping

- Employers must maintain records of workplace violence hazard identification, evaluation and correction for five (5) years
- Records of workplace violence incident investigations must be maintained for five (5) years > these records cannot contain “medical information”



# Incident Logs and Recordkeeping (cont.)

Training records must be maintained for one (1) year and include:

- Training date(s)
- Contents or summary of training
- Names and qualifications of the person conducting the training
- Names and job titles of all persons attending the training

# Incident Logs and Recordkeeping (cont.)

Access to certain records

The following records must be made available without cost to employees and “their representatives” within 15 calendar days of any request:

- Records of hazard identification, evaluation, and correction
- Employee training records
- Violent incident logs



# WVP Plan – Considerations for Credit Unions

- Headquarters, back office vs. branches
- Where is branch located?
  - Strip mall, office park, stand-alone building, remote, urban location, dark parking lots
- Member-driven?
  - Do you have a member expulsion or limitation of services policy? (Correct answer is YES!)
- Threats from former S.O. of employee?
  - Workplace TRO, security guards, remote work accommodation (and don't forget CA time off rights for employees)



# Additional Resources

- Cal/OSHA Workplace Violence Prevention for General Industry (Non-Health Care Settings): <https://www.dir.ca.gov/dosh/Workplace-Violence/General-Industry.html>
- Cal/OSHA Fact Sheet: [https://www.dir.ca.gov/dosh/dosh\\_publications/WPV-General-Industry-for-employers-fs.pdf](https://www.dir.ca.gov/dosh/dosh_publications/WPV-General-Industry-for-employers-fs.pdf)



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