



**BEAUMONT-CHERRY VALLEY WATER DISTRICT**  
560 Magnolia Avenue, Beaumont, CA 92223

**NOTICE AND AGENDA  
MEETING OF THE PERSONNEL COMMITTEE**

*This meeting is hereby noticed pursuant to  
California Government Code Section 54950 et. seq.*

**Tuesday, January 16, 2024 - 5:30 p.m.**  
**560 Magnolia Avenue, Beaumont, CA 92223**

**TELECONFERENCE NOTICE**

*The BCVWD Personnel Committee members will attend in person at the  
BCVWD Administrative Office*

*This meeting is available to the public via Zoom teleconference*

*To access the Zoom conference, use the link below:*

<https://us02web.zoom.us/j/85792068838?pwd=cFArZHZ4aHRSUmJLeTBCZVpnUGRmdz09>

**To telephone in, please dial: (669) 900-9128**  
**Enter Meeting ID: 857 9206 8838 • Enter Passcode: 457586**

*For Public Comment, use the “**Raise Hand**” feature if on  
the video call when prompted. If dialing in, please **dial \*9 to**  
“**Raise Hand**” when prompted*

*Meeting materials will be available on the BCVWD’s website:*

<https://bcvwd.org/document-category/personnel-committee-agendas/>

**PERSONNEL COMMITTEE MEETING – JANUARY 16, 2024**

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**Call to Order: Chair Covington**

**Roll Call**

	<b>John Covington, Chair</b>
	<b>Andy Ramirez</b>

	<b>Lona Williams (alternate)</b>
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**PERSONNEL COMMITTEE MEETING – JANUARY 16, 2024 - continued**

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**Public Comment**

**PUBLIC COMMENT: RAISE HAND OR PRESS \*9 to request to speak when prompted.** At this time, any person may address the Personnel Committee on matters within its jurisdiction which are not on the agenda. However, non-agenda matters that require action will be referred to Staff for a report and possible action at a subsequent meeting. **Please limit your comments to three minutes.** Sharing or passing time to another speaker is not permitted.

1. **Adjustments to the Agenda:** In accordance with Government Code Section 54954.2, additions to the agenda require a 2/3 vote of the legislative body, or if less than 2/3 of the members are present, a unanimous vote of those members present, which makes the determination that there is a need to take action, and the need to take action arose after the posting of the agenda.
  - a. Item(s) to be removed or continued from the Agenda
  - b. Emergency Item(s) to be added to the Agenda
  - c. Changes to the order of the Agenda
  
2. **Acceptance of Personnel Committee Meeting minutes**  
*Minutes may be accepted by consensus*
  - a. November 6, 2023 Special Meeting (pages 4 - 6)
  - b. November 21, 2023 Regular Meeting (pages 7 - 10)

**ACTION ITEMS**

3. **Report / Update from BCVWD Employees Association** (no staff report)

Association Representatives		
Andrew Becerra	Tommy Lamont	Luis Lomeli

4. **Report / Update from BCVWD Exempt Employees** (no staff report)
  
5. **Human Resources Department Report** (pages 11 - 13)
  
6. **Policies and Procedures Manual Updates / Revisions**
  - a. Policy 2015 Harassment (pages 14 – 20)
  - b. Policy 3070 Holiday Pay (pages 21 – 27)
  - c. Policy 3085 Sick Leave (pages 28 – 53)
  - d. Policy 3122 Workplace Violence (pages 54 – 102)

## **7. Update on Policy Tracking Matrix (pages 103 - 107)**

- a. Status of Policy Revisions / Updates

## **8. Action List for Future Meetings**

- a. Employee Association topics
- b. Policy manual updates (ongoing)

## **9. Next Meeting Date: February 20, 2024**

## **10. Adjournment**

**AVAILABILITY OF AGENDA MATERIALS** - Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Beaumont-Cherry Valley Water District Personnel Committee in connection with a matter subject to discussion or consideration at a meeting of the Personnel Committee are available for public inspection in the District's office, at 560 Magnolia Avenue, Beaumont, California ("District Office") during business hours, Monday through Thursday from 7:30 a.m. to 5 p.m. If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Office at the same time or within 24 hours' time as they are distributed to all or a majority of the Board of Directors, except that if such writings are distributed one hour prior to, or during the meeting, they can be made available in the Board Room at the District Office. Materials may also be available on the District's website: [www.bcvwd.org](http://www.bcvwd.org).

**REVISIONS TO THE AGENDA** - In accordance with §54954.2(a) of the Government Code (Brown Act), revisions to this Meeting Agenda may be made up to 72 hours before the Committee Meeting, if necessary, after mailings are completed. Interested persons wishing to receive a copy of the set Agenda may pick one up at the District's Main Office, located at 560 Magnolia Avenue, Beaumont, California, up to 72 hours prior to the Committee Meeting, or download from the District's website: [www.bcvwd.org](http://www.bcvwd.org).

**REQUIREMENTS RE: DISABLED ACCESS** - In accordance with §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the District Office, at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. The District Office may be contacted by telephone at (951) 845-9581, email at [info@bcvwd.org](mailto:info@bcvwd.org) or in writing at the Beaumont-Cherry Valley Water District, 560 Magnolia Avenue, Beaumont, California 92223.

**CERTIFICATION OF POSTING:** A copy of the foregoing notice was posted near the regular meeting place of the Board of Directors of Beaumont-Cherry Valley Water District and to its website at least 72 hours in advance of the meeting (Government Code §54956(a)).



**BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA**  
560 Magnolia Avenue, Beaumont, CA 92223

**MINUTES OF THE PERSONNEL COMMITTEE SPECIAL MEETING**  
**Monday, November 6, 2023 at 5:30 p.m.**

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**CALL TO ORDER**

*Chair Covington called the meeting to order at 5:32 p.m.*

*Attendance.* Directors John Covington and Lona Williams (alternate) attended in person.

<i>Directors present:</i>	<i>Covington, Williams</i>
<i>Directors absent:</i>	<i>None</i>
<i>Staff present:</i>	<i>General Manager Dan Jagers Assistant Director of Finance and Administration Sylvia Molina Human Resources Manager Ren Berioso Director of Information Technology Robert Rasha Management Analyst II Lorena Lopez Water Production Operator II Joshua McCue Senior Water Utility Worker Edmund Clark Senior Water Utility Worker Jordan Smith Executive Assistant Lynda Kerney</i>
<i>BCVWD Employee Association reps:</i>	<i>Customer Service Representative II Luis Lomeli Tommy LaMont Maintenance Technician Senior Water Utility Worker Andrew Becerra Water Utility Superintendent Julian Herrera</i>

**PUBLIC COMMENT:** None.

**ACTION ITEMS**

- 1. Adjustments to the Agenda:** None.
- 2. Fiscal Year 2024 Operating Budget Update**

General Manager Jagers reminded the Committee about the failed attempt to produce a Workforce and Succession Planning Study. The Board has always been interested in staffing levels, he noted, and explained that other districts are comparing staffing levels to number of connections – BCVWD is at the lowest ratio of employees per 1,000 connections.

In the budget, temporary employees are being converted to regular, Jagers explained. Chair Covington noted there is a \$400,000 impact to the budget, a portion of which is the 3.7 percent Cost of Living Adjustment (COLA).

Assistant Director of Finance and Administration Sylvia Molina drew attention to new Tables 4 and 5 showing the costs broken down. The budget taken to the Finance and Audit Committee included the COLA and a 3.7 percent increase to the Director per diem as a placeholder, she noted.

The personnel budget includes a split into three new divisions that does not create a fiscal impact but move positions around, and changes made include an increase in number of Board meetings attended and a change to the Civil Engineering position, Ms. Molina continued.

Chair Covington discussed changes in staffing in departments and Ms. Molina provided detail and explanations.

Chari Covington asked who would be doing the weed abatement, and Mr. Jagers noted that the activities will be addressed by staff, but a contract will be put out. In response to Chair Covington, Mr. Jagers acknowledged that a difference should be seen in the canyon areas in 2024. Mr. Herrera noted that the governor had cut CalFire crews, and they will not be able to lend a hand as they did previously.

Ms. Molina pointed to the Organizational Chart and noted that the total fiscal impact with the changes was 4.21 percent, including the COLA and additional benefits.

With the Board having approved the OPEB trusts, there was savings in unfunded liabilities, Molina explained. Labor went from \$4.44 million and increased by \$139,000, she noted. Most positions are not at a Step 5, she added.

Chair Covington asked about the budgeting process, and Molina explained that budget is based anticipated steps and eligibility for merit increases. Mr. Jagers reminded that staff was asked to budget realistically, and at times there will need to be adjustments. Chair Covington acknowledged there must be a small cushion.

Chair Covington commented on the fully burdened rate for the Cross Connection Supervisor and Director Williams noted it would appear to be a couple of employees. Ms. Molina detailed the expense for the employee and Mr. Jagers pointed to the breakdown of costs for all employees which went to the Finance & Audit Committee.

Chair Covington acknowledged the increase in health insurance costs of 13.4 percent. Mr. Jagers noted that is an aggregate of the increase including new employees. This is a reasonably conservative way to budget, he explained, so there is an approach in case there is an unexpected event.

Chair Covington noted the Board must ask the questions and dig into the details. He said it is good to see the District get away from temp employees, and bringing on more regular full time, broadening the workforce. He said he had always felt the District was understaffed, and indicated support for legitimately building the workforce, promoting from within, adding positions when help is needed, and trying to get the District to a comparable staffing size.

Chair Covington expressed concern about lack of space and that was not something that could be solved in six months. He noted there was effort to buy property, and said he would not be supportive of expanding the administrative office in its current location. Mr. Jagers assured these conversations would move forward.

Director Williams noted the importance of moving staff from the facilities at 12<sup>th</sup> and Palm. She said it was a top priority to address the Engineering / Operations Center to get the employees a good place to work. Mr. Jagers noted the Board's support for conversation of the Cat building and said it was working well.

The new HR Manager provided a cost breakdown of turnover at \$27,640 per employee, Jagers explained. In addition, continual temporary employees pull management and field personnel away to provide training. The goal is to have efficient and knowledgeable staff growing over time from entry level. The vision is to be able to take on special projects and improve staff's knowledge base and experience, he noted.

*The Committee recommended the report out of the Personnel Committee's support of the proposed organizational chart and associated budget to be forwarded to the Board of Directors by the following vote:*

MOVED: Williams	SECONDED: Covington	APPROVED
AYES:	Covington, Williams	
NOES:	None.	
ABSTAIN:	None.	
ABSENT:	None.	

### 3. Action List for Future Meetings

- *Employee Association topics: none added*
- *Policy manual updates (ongoing)*
- *Policy Updates related to travel and per diem (requested by Dir. Williams)*

### 4. Next Meeting Date:

- Regular Meeting Tuesday, November 21, 2023, at 5:30 p.m.

**ADJOURNMENT:** 6:08 p.m.

Attest:

*DRAFT UNTIL APPROVED*

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John Covington, Chairman  
to the Personnel Committee of the Beaumont-Cherry Valley Water District



**BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA**  
560 Magnolia Avenue, Beaumont, CA 92223

**MINUTES OF THE PERSONNEL COMMITTEE MEETING**  
**Tuesday, November 21, 2023 at 5:30 p.m.**

**CALL TO ORDER**

*Chair Covington called the meeting to order at 5:30 p.m.*

*Attendance.* Directors Covington and Ramirez attended in person.

<i>Directors present:</i>	<i>Covington, Ramirez</i>
<i>Directors absent:</i>	<i>None</i>
<i>Staff present:</i>	<i>General Manager Dan Jagers Assistant Director of Finance and Administration Sylvia Molina Human Resources Manager Ren Berioso Director of Information Technology Robert Rasha Management Analyst II Lorena Lopez Water Utility Superintendent Julian Herrera Administrative Assistant Cenica Smith</i>
<i>BCVWD Employee Association reps:</i>	<i>Water Production Operator II Joshua McCue Tommy LaMont Maintenance Technician</i>

**PUBLIC COMMENT:** None.

**ACTION ITEMS**

- 1. Adjustments to the Agenda:** None.
- 2. Acceptance of the Personnel Committee Meeting minutes**
  - a. October 17, 2023 Regular Meeting
  - b. November 6, 2023 Special Meeting

*The Committee accepted the minutes of the Personnel Committee meeting by the following vote:*

<b>MOVED:</b> Ramirez	<b>SECONDED:</b> Covington	<b>APPROVED</b>
<b>AYES:</b>	Covington, Ramirez	
<b>NOES:</b>	None.	
<b>ABSTAIN:</b>	None.	
<b>ABSENT:</b>	None.	

3. **Report / Update from BCVWD Employees Association:** None.

4. **Report / Update from BCVWD Exempt Employees:** None.

5. **Report from Human Resources Department**

Human Resources Manager Ren Berioso presented highlights of the report:

- Currently 44 employees
- Active recruitments ongoing
- Great Shakeout Earthquake Drill held on October 19

6. **Update on Policy Tracking Matrix**

Human Resources Manager Ren Berioso reviewed changes in the policy status summary.

Policies not related to personnel were transferred off the Matrix and over to Finance and Administration, and IT, resulting in an update to completeness to 54 percent, he said.

Mr. Berioso recommended addition of two new policies:

- Transfers and Voluntary Demotion
- Resignations and Job Abandonment

In response to a question from Director Ramirez, General Manager Jagers said these issues do arise and such policies provide a template as the District grows in size.

Mr. Berioso reviewed the list of upcoming policy work and suggested the potential for presenting four policies per month, with a goal of project completion at the end of 2024. Chair Covington indicated support and said the Committee would do its best to accommodate the work depending on higher importance additions to the agenda and complexity of specific policies. Director Ramirez concurred. Mr. Jagers reminded that staff has heard the request for streamlining meetings.

The tracking dashboard and matrix will be presented monthly, Mr. Berioso noted.

*The Committee approved:*

1. *Changes to the summary table for the regular monthly Committee reporting:*
2. *Addition of two policies to the Policy Tracking matrix worksheet*
3. *Policies pending review in the next one to three months by the following vote:*

MOVED: Covington	SECONDED: Ramirez	APPROVED
AYES:	Covington, Ramirez	
NOES:	None.	
ABSTAIN:	None.	
ABSENT:	None.	



## 7. Policies and Procedures Manual Updates / Revisions

Mr. Berioso reminded about discussion of these policies at the November 6 meeting, and the Committee's direction to move them to the Board for approval. However, the Committee had requested a format, he noted, and presented options.

### Policy 3235 Military Leave:

Mr. Berioso reviewed the options and the Committee provided recommendations, acknowledging that the Board would make the final decision from among the options.

- Provision of health care insurance protection during military service:  
Director Ramirez supported retaining the provision. Chair Covington concurred.
- Pay Differential:  
Chair Covington acknowledged the potential financial impact and indicated support for offering the pay differential. He pointed out that the District would already have budgeted for that staff member.

Following discussion, the recommendations of the Personnel Committee to The Board of Directors were:

- Retain the provision of health care insurance protection during military service to avoid interruption
- Present the option of providing a pay differential

Policy 3110 Jury and Witness Duty: Mr. Berioso advised that, by law, temporary employees should be included in the provisions of the policy, as those employees must also be provided excused absences to perform jury or witness duty. However, the District is not obligated to provide any form of compensation. Chair Covington acknowledged. Mr. Berioso added that part time or temporary employees could use their sick leave or vacation leave, or would have unpaid leave for the absence.

Mr. Berioso reminded the Committee that the options of having paid leave of 40 hours vs. 24 hours was for just the full time employees.

Assistant Director of Finance and Administration Sylvia Molina advised that moving forward, each policy would be addressed in an individual staff report. Director Ramirez requested the staff reports be concise and not repeat all information for the Board.

The Committee recommended moving Policy 3110 to the full Board for consideration.

## 8. Acknowledgement of Great Place to Work Certification

Mr. Berioso advised of the award, which the District has received for the third consecutive year. He reviewed the survey results.

Director Ramirez requested further discussion at a later time on the categories of promises made by management and communication.

General Manager Jagers noted that prior to having the Personnel Committee, the District had no benchmarks to consider where activities should be focused to improve.

He emphasized that if staff or management see areas for improvement in communication to let the Committee know and to provide feedback related to the management promises so feelings can be understood and addressed in order to create a more positive environment. Chair Covington cautioned to put some bookends on that.

Ms. Molina pointed to her effort to implement an internal outreach committee and expand collaboration. She advised of a new newsletter and Mr. Jagers advised of new monthly Engineering and Operations meetings which have improved understanding and provide a faster way to move forward.

Chair Covington reminded that he and Director Ramirez established the Personnel Committee in 2016. He commented on its work over the past few years and noted that there has always been passion to make sure employees are taken care of. There will always be policies that are disliked, but the Committee will do its best for the District, he said. He stated that he hoped the work had been noticeable, and that there is value to the Committee and the directors' involvement in shaping policy for the betterment of the District as a whole and to make sure the employees have some level of Board representation.

The survey done last year had some issues, Covington commented.

Director Ramirez added that having Water Utility Superintendent Julian Herrera present to be able to disseminate the information is important to the Committee. The challenge will be in explaining the benefits to new employees so there is not a sense that things are in poor condition, he stated. Mr. Herrera acknowledged and noted that the older staff tries to communicate and educate, emphasizing the team effort. He commented on action seen in the last few years.

Chair Covington suggested an internal dashboard to provide information for all employees. Director of IT Robert Rasha explained the department is working on an intranet to launch in 2024. All field staff now have a tablet with access to email and web services, he advised. Chair Covington requested progress updates.

## **9. Action List for Future Meetings**

- Employee Association topics: none added
- Policy manual updates (ongoing)
- Policy Updates related to travel and per diem (requested by Dir. Williams)

## **10. Next Meeting Date:**

- Regular Meeting Tuesday, January 16, 2024, at 5:30 p.m.

**ADJOURNMENT:** 6:27 p.m.

Attest:

*DRAFT UNTIL APPROVED*

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John Covington, Chairman  
to the Personnel Committee of the Beaumont-Cherry Valley Water District



**Beaumont-Cherry Valley Water District  
Personnel Committee Meeting  
January 16, 2024**

Item 5

HUMAN RESOURCES REPORT

**TO:** Personnel Committee

**FROM:** Ren Berioso, Human Resources Manager

**SUBJECT:** Human Resources Department Report for the Months of November and December 2023

**Table 1: Personnel**

The below table represents Workforce.

As of November 30, 2023

Total Current Employees (Excluding Board Members)	44
Full-Time Employees	37
Part-Time	2
Temporary	5
Interns	0
Separations	2
Retired Employee(s)	0

As of December 31, 2023

Total Current Employees (Excluding Board Members)	42
Full-Time Employees	37
Part-Time	1
Temporary	4
Interns	0
Separations	3 <sup>1</sup>
Retired Employee(s)	0

*(1) Full-Time Employee count includes separation and new hire within the same month*

**Table 2: New Hires**

The below table represents new hires.

As of November 30, 2023

<b>Employee Name</b>	<b>Job Title</b>	<b>Department</b>
Kyle Lee Anders	Temp Water Utility Worker I	Operations
Andrew Powell	Temp Water Utility Worker I	Operations



As of December 31, 2023

Employee Name	Job Title	Department
Lilian Medellin Tienda	Development Services Tech	Engineering

**Table 3: Anniversaries\***

The below table represents BCVWD employee anniversaries.

As of November 30, 2023

Employee Name	Department	Years of Service
Joe Reichenberger	Engineering	17 years
Edmund Clark	Operations	3 years
Jeremy McCarty	Operations	3 years
Thomas LaMont	Operations	2 years
Ian Martin	Operations	2 years
Jordan Smith	Operations	2 years
Dontae Williams	Operations	1 year

*\*Work Anniversaries for the purposes of this report are calculated from the hire date and do not determine employment conditions or terms. This report does not include elected officials.*

**Table 4: Promotions or Division/Title Change**

The below table represents promotions or Division/Title Changes.

As of December 31, 2023

Employee Name	Former Title	Changed to
Erica Gonzales	Management Analyst I	Management Analyst II

**Table 5: Recruitment**

The below table represents active/closed recruitment(s).

As of November 30, 2023

Position	Department	Update
Temp Water Utility Worker I	Operations	2 positions filled as of 11/20/2023
Management Analyst II	Finance and Administration	Ongoing. Job posting closed 11/18/2023



As of December 31, 2023

Position	Department	Update
Management Analyst II	Finance and Administration	1 of 2 positions filled as of 12/31/2023
Senior Water Utility Worker	Operations	Ongoing Job Posting Closed 1/8/2024
Maintenance Technician I	Operations	Ongoing Job Posting Closed 1/8/2024
Engineering Assistant	Engineering	Ongoing Job Posting until 1/29/2024

**Table 6: Separation/Retirement**

The below table represents employees separating from BCVWD.

As November 30, 2023:

Employee Name	Position Held	Department	Last Day
Natalia Gonzalez	Customer Service Rep I	Finance and Administration	November 8, 2023
Lorena Lopez	Management Analyst II	Finance and Administration	November 30, 2023

As December 31, 2023:

Employee Name	Position Held	Department	Last Day
Adam Hernandez	Temp Water Utility Worker I	Operations	December 19, 2023
Inmar Shihab	Engineering Assistant	Engineering	December 28, 2023
Kirene Bargas	PT Director of Finance and Administration	Finance and Administration	December 31, 2023

**Table 7: Communications**

The below table represents HR communications to BCVWD employees. As of November 31, 2023:

Communication	Topic
Water Certification Requirements	Personnel

As of December 31, 2023:

Communication	Topic
New Worker's Compensation Vendor	Personnel
Notification of Overtime Applications Issue and Pending Audit	Finance

*Staff Report Prepared by Ren Berioso, Human Resources Manager*



**Beaumont-Cherry Valley Water District  
Personnel Committee  
January 16, 2024**

Item 6a

STAFF REPORT

**TO:** Personnel Committee  
**FROM:** Ren Berioso, Human Resources Manager  
**SUBJECT: Policies and Procedures Manual Updates/Revisions regarding Policy 2015 Harassment**

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**Staff Recommendation**

Approve the updated 2015 Harassment Policy to move forward to the next Board of Directors meeting with the revisions stated in Table 1, Summary of Policy Changes.

**Executive Summary**

Staff is proposing changes to the Harassment policy as there is no provision in said policy that oversees investigations in the event of a harassment case. Staff and Legal Counsel also proposed defining harassment towards the protected class, and to remove a provision in the policy that provides confidential results to the complainant as this may pose a legal risk if an employee is retaliated against or if confidentiality is breached.

**Background**

At the March 22, 2022 Personnel Committee Meeting, former Human Resources staff presented changes to the Harassment Policy and made it a separate segment of the Policies and Procedures Manual. The revised version included the definition of harassment directed towards the protected class, the reporting and complaint procedure in the event of harassment, and the remedial actions for violating the said policy. Former staff also stated that the objective of this approach was to improve the Policies and Procedures Manual with the use of modern grammatical rules. The Board of Directors signed and adopted the proposed revisions to the Harassment Policy at the April 14, 2022 Regular Board Meeting.

As part of the ongoing review process of all District policies, staff presented the approved policy to the HR consultant as well as Legal Counsel to ensure completeness. The proposed redline draft version includes recommendations by the HR consultant that were also reviewed by Legal Counsel. Changes were made to ensure that legal risks are mitigated, and to improve District's response should harassment occur in the workplace.

**Discussion**

Table 1 outlines the proposed changes to the current Harassment policy that are in reference to the redline draft version attached herewith.



Table 1 – Summary of Policy Changes

TABLE 1	Policy Section	State / Federal Law requirement	BCVWD current practice	Option/s to Consider	Fiscal Impact of Option
A	2015.4	None	Applies to all identified entities.	Add Vendors since interact with staff.	No fiscal impact.
B	2015.5	None	Lists disruptive behavior, with no definition	Legal counsel recommends defining disruptive behavior as harassment towards protected class.	No fiscal impact.
C	2015.8	None	No provision in the current policy of who or which department will oversee harassment investigations.	The Board may consider having Human Resources oversee investigations and may also have the option of hiring an outside firm or consultant to conduct investigations if necessary.	The Fiscal Impact is the cost of hiring an outside firm or consultant if warranted.
D	2015.8	None	The complainant will be provided with a copy of the results of the investigation and the specific details of the remedial / corrective action.	Legal Counsel recommends removing this provision as investigation summary and specific remedial actions are confidential personnel matters.	No fiscal impact.



### **Fiscal Impact**

The fiscal impact depends on if there is a necessity to hire an outside consultant to conduct harassment investigation and the pricing of the said service.

### **Attachments**

1. Redline draft version of 2015 Harassment Policy with Legal Counsel notes
2. Clean draft of 2015 Harassment Policy

Staff Report prepared by Ren Berioso, Human Resources Manager



# Attachment 1

**POLICY TITLE: HARASSMENT**  
**POLICY NUMBER: 2015**

2015.1 **Unlawful Harassment.** The District is committed to providing a work environment for its employees that is free of unlawful harassment. The District prohibits sexual harassment (Policy 2020) as well as harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, genetic information, marital status, age, sex, gender, gender identity, gender expression, sexual orientation, veteran or military status, or any other basis protected by federal, state or local law, ordinance, or regulation (collectively “protected status”). This policy applies to all persons involved in the operation of the District and prohibits harassment by any employee of the District—supervisors and co-workers.

2015.2 **Reporting.** Employees are encouraged to immediately report any incident of unlawful harassment to either their supervisor, Human Resources, or to the General Manager so that complaints can be quickly and fairly resolved.

2015.3 **Harassment Prohibited.** Harassment because of any protected status is prohibited, including, but not limited to the following behavior:

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs, unwanted sexual advances, invitations, or comments;
2. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, or gestures;
3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race, or any other protected basis; and, retaliation for having reported or threatened to report harassment.

2015.4 **Applicability.** This policy applies to all employees, interns, volunteers, vendors, third parties, and agents of the employer, including supervisory and non-supervisory employees, and it applies to all phases of employment. ~~All reasonable actions will be taken. It also applies to protect employees in the workplace from unwelcome conduct and actions by non-employees, and all reasonable actions will be taken to protect employees from the actions of~~ contractors, vendors, suppliers, clients, and others.

2015.5 **Other Forms.** ~~This policy also defines harassment as any [bullying, abusive conduct, and other forms of disruptive behavior that constitutes an attack towards protected class are considered harassment under this policy.~~

2015.6 **Complaint Process.** If any employee of the District believes they have been harassed, the employee should provide a written complaint to their supervisor, Department Director, Director of Finance and Administrative Services, the Human Resources Department, ~~or the~~ General Manager or designated appointee as soon as possible after the incident. The complaint should include the details of the incident(s), dates and times, name(s) of the individual(s) involved, together with the name(s) of any witness(es).

2015.7 **District's Response to Complaint.** Staff receiving harassment complaints will refer them immediately to the General Manager or the Personnel Committee of the Board of Directors (in the event the complaint involves the General Manager) who will undertake an immediate, thorough, and objective investigation of the harassment

**Commented [RTG1]:** Bullying and abusive conduct are usually not associated with a protected status. It is defined in Gov't Code section 12950.1(h)(2). So you may want to specify whether bullying and abusive conduct is unrelated to protected status, unless you intend that only harassment based on protected status is included in this policy. I would also consider either removing “disruptive behavior” or defining it. Disruptive behavior could mean something fairly minor, or not directed at anyone in particular, that would not rise to the level of harassment.

allegation(s) through Human Resources Department or designated appointee. At the discretion of the General Manager, an outside firm or consultant may be retained to conduct an objective investigation.

1. An employee is never required to make a complaint to a supervisor or manager who is alleged to be responsible for the harassment. The complaint may be made to an uninvolved supervisor or manager, or to the parties named above.
2. While written complaints are strongly encouraged, the District will investigate all employee complaints, including those that are not written or that are anonymous. However, the ability to investigate and remedy unwritten or anonymous complaints may be compromised if insufficient information is available for the investigation.
3. The investigation will be conducted in as confidential a manner as possible, consistent with a full, fair, and proper investigation.

**Commented [RTG2]:** I am suggesting adding "employee" because I have clients who have received anonymous complaints from members of the public, and I don't want the District to commit to investigating those, as the complaints are often frivolous.

2015.8 **Remedial Action.** If it is determined that harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for harassment will be subjected to appropriate disciplinary action, up to, and including termination. Investigations shall be ~~done~~overseen by Human Resources Department or designated appointee in collaboration with a representative from the Employee Association. The complainant will be advised once the investigation is complete but and will not be provided with a copy of summary of the results of the investigation, including whether corrective action was taken and the general nature of that action. ~~The complainant will not be entitled to a copy of the confidential investigation report or the specific details of corrective action,~~ consistent with employee privacy and the confidentiality of personnel matters. Others involved in the investigation may also be advised once the investigation is complete and will be provided with a summary of other information appropriate to their involvement.

**Commented [RTG3]:** I changed to "overseen" to give the District the option of hiring an outside firm or consultant.

**Commented [RTG4]:** I strongly recommend not having the Employee Association involved in investigations. This is really an HR function.

**Commented [RTG5]:** I would recommend taking this out. Personnel actions are confidential, so a complainant should not be informed of the nature of discipline against another employee. It is okay to say that remedial action was taken, but I would leave it at that. The next sentence in the policy accomplishes this.

2015.9 **Retaliation Prohibited.** The District prohibits retaliation of any kind against any employee who has complained about harassment, opposed harassment, or participated in a harassment investigation. Retaliation is prohibited against any employee who has engaged in certain legally protected activities, filed a complaint or served as a whistleblower.

**Commented [RTG6]:** I recommend taking this provision out. Although the burden of proof would be on the District if it takes adverse action against an employee within 90 days of the protected activity, you still want to have the option of doing so. For example, what if an employee files a whistleblower complaint, and then within 90 days threatens workplace violence or engages in egregious sexual harassment? The District is not precluded from discipline/termination -- it only has to be able to prove that the discipline/termination was not because of the protected activity.

2015.1 **Unlawful Harassment.** The District is committed to providing a work environment for its employees that is free of unlawful harassment. The District prohibits sexual harassment (Policy 2020) as well as harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, genetic information, marital status, age, sex, gender, gender identity, gender expression, sexual orientation, veteran or military status, or any other basis protected by federal, state or local law, ordinance, or regulation (collectively “protected status”). This policy applies to all persons involved in the operation of the District and prohibits harassment by any employee of the District—supervisors and co-workers.

2015.2 **Reporting.** Employees are encouraged to immediately report any incident of unlawful harassment to either their supervisor, Human Resources, or to the General Manager so that complaints can be quickly and fairly resolved.

2015.3 **Harassment Prohibited.** Harassment because of any protected status is prohibited, including, but not limited to the following behavior:

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs, unwanted sexual advances, invitations, or comments;
2. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, or gestures;
3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race, or any other protected basis; and, retaliation for having reported or threatened to report harassment.

2015.4 **Applicability.** This policy applies to all employees, interns, volunteers, vendors, third parties, and agents of the employer, including supervisory and non-supervisory employees, and it applies to all phases of employment. All reasonable actions will be taken to protect employees in the workplace from unwelcome conduct and actions by non-employees contractors, vendors, suppliers, clients, and others.

2015.5 **Other Forms.** This policy also defines harassment as any bullying, abusive conduct, and other forms of disruptive behavior that constitutes an attack towards protected class.

2015.6 **Complaint Process.** If any employee of the District believes they have been harassed, the employee should provide a written complaint to their supervisor, Department Director, Director of Finance and Administrative Services, the Human Resources Department, General Manager or designated appointee as soon as possible after the incident. The complaint should include the details of the incident(s), dates and times, name(s) of the individual(s) involved, together with the name(s) of any witness(es).

2015.7 **District’s Response to Complaint.** Staff receiving harassment complaints will refer them immediately to the General Manager or the Personnel Committee of the Board of Directors (in the event the complaint involves the General Manager) who will undertake an immediate, thorough, and objective investigation of the harassment allegation(s) through Human Resources Department or designated appointee. At the discretion of the General Manager, an outside firm or consultant may be retained to conduct an objective investigation.

1. An employee is never required to make a complaint to a supervisor or manager who is alleged to be responsible for the harassment. The complaint may be made to an uninvolved supervisor or manager, or to the parties named above.
2. While written complaints are strongly encouraged, the District will investigate all employee complaints, including those that are not written or that are anonymous. However, the ability to investigate and remedy unwritten or anonymous complaints may be compromised if insufficient information is available for the investigation.
3. The investigation will be conducted in as confidential a manner as possible, consistent with a full, fair, and proper investigation.

**2015.8 Remedial Action.** If it is determined that harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for harassment will be subjected to appropriate disciplinary action, up to, and including termination. Investigations shall be overseen by Human Resources Department or designated appointee. The complainant will be advised once the investigation is complete but will not be provided with a copy of summary of the results of the investigation, including whether corrective action was taken and the general nature of that action, consistent with employee privacy and the confidentiality of personnel matters. Others involved in the investigation may also be advised once the investigation is complete.

**2015. 9 Retaliation Prohibited.** The District prohibits retaliation of any kind against any employee who has complained about harassment, opposed harassment, or participated in a harassment investigation. Retaliation is prohibited against any employee who has engaged in certain legally protected activities, filed a complaint or served as a whistleblower.



**Beaumont-Cherry Valley Water District  
Personnel Committee  
January 16, 2024**

Item 6b

STAFF REPORT

**TO:** Personnel Committee  
**FROM:** Ren Berioso, Human Resources Manager  
**SUBJECT:** **Policies and Procedures Manual Updates/Revisions regarding Policy 3070 Holiday**

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**Staff Recommendation**

Approve the updated 3070 Holiday policy to move forward to the next Board of Directors meeting with the following revisions outlined in Table 1, Summary of Policy Changes.

**Executive Summary**

Staff is proposing changes to the current policy to align with the language that is stated in Article 26 of the Memorandum of Understanding (MOU), and to address the concerns brought about by field staff about being paid overtime when they work during a holiday. Staff also proposes additional language stating the exceptions for when staff is still eligible for said holiday pay to provide managers guidance about how holiday pay is applicable or not in a given circumstance.

**Background**

At the July 23, 2018 Personnel Committee Meeting, former Human Resources staff was directed to review, revise and update the District's Policies and Procedures Manual. This is the first time the policy has been revisited since it was placed on the policy tracking matrix. In December 2023, Staff received feedback from field personnel about the way to which overtime is paid when unscheduled to work during holidays, and questioned if the policy was consistent with the MOU under Article 26. Staff confirmed the District was following the MOU guidelines, but noted the missing language from the established policy.

The proposed redline draft version was a collaboration of staff and HR Dynamics insights, based on industry standards and a review of the MOU, that were subsequently reviewed by Legal Counsel. Sources confirmed that there is no Federal or State law that requires employers to give holiday pay or paid holidays, however the policy reflects the same holiday schedule negotiated through the MOU.

The determination to provide a holiday pay, how it is given, and its exceptions, is a voluntary action by the employer through its policies or negotiations with the Employee Association.

**Discussion**

Table 1 outlines the proposed changes to the current Holiday policy that is in reference to the redline draft version attached:



Table 1 – Summary of Policy Changes

	Section	State /Federal Law requirement	BCVWD current practice	Option to Consider	Fiscal Impact of Option
A	3070.1	None	Defined employment application.	Moved clarifier to section 3070.3	None.
B	3070.2	None	Listed pre-approved holidays.	Added language to clarify the dates	None.
C	3070.4	None	Follows MOU Article 26: If an unscheduled employee works overtime, they are entitled to pay overtime rate of 1/2 times his/her rate of pay.	Add language from MOU Article 26.	The overtime rate of work on a holiday that is not part of the employee's rotation. (An estimate is included in the annual budget based on the MOU.)
D	3070.5	None	Employees are not eligible for holiday pay if they did not work a full shift before and after the holiday.	Add: Exceptions include pre-approved vacation, jury/witness duty, hospitalization scheduled preventative care or death of an immediate family member.	No fiscal impact.

**Fiscal Impact**

The fiscal impact of compensation for unscheduled employees who work on a holiday that is not part of their rotation will vary based on his/her overtime rate of pay. An estimate of overtime, including potential holidays, is included in the annual budget.

**Attachments**

1. Redline draft version of 3070 Holiday Pay with Legal Counsel notes
2. Clean draft version of Policy 3070
3. Holiday Pay in California, What You Need to Know

# Attachment 1

POLICY TITLE: HOLIDAYS  
POLICY NUMBER: 3070 (~~Revised 12/2187/23~~)

**3070.1 Applicability.** ~~The District is closed for operations during Holidays listed herein. Holiday pay shall be provided to all full-time, regular employees of the District. Holiday pay is not provided to temporary or part-time employees.~~

~~**3070.2 Holiday Pay.** Holiday pay shall be provided to all full-time, regular employees of the District. Full Time, Regular Employees that do not work the holiday shall be credited with Holiday pay in the amount of their average regularly scheduled workday hours. Such hours shall not be counted as a day worked for the purposes of the computation of overtime. Refer to the District's policy on overtime. (Policy 3055.5). Holiday pay is not provided to temporary or part-time employees.~~

**3070.2 Holidays.** The following days shall be recognized and observed as paid holidays:

1. January 1 (New Year's Day);
2. Third Monday in January (Martin Luther King, Jr.'s Day Birthday);
3. Third Monday in February (~~PP~~President's Day);
4. Last Monday in May (Memorial Day);
5. July 4 (Independence Day);
6. First Monday in September (Labor Day);
7. November 11 (Veteran's Day);
8. Thanksgiving Day;
9. Friday Day After Thanksgiving Day; \*
10. December 25 (Christmas Day);
11. Employee's Birthday (Floating Holiday); or
12. Other holidays provided to employees, subject to the discretion of the Board.

12.

~~**3070.3 Holiday Pay.** Holiday pay shall be provided to all full-time, regular employees of the District. Employees that do not work the holiday shall be credited with Holiday pay in the amount of their regularly scheduled workday hours. Such hours shall not be counted as a day worked for the purposes of the computation of overtime. Refer to the District's policy on overtime. Part-time and temporary employees are not eligible to receive holiday pay.~~

**3070.34 Compensation in Lieu of Holiday.** Unless required as part of the District required rotation schedule set forth under Article 13 of in the MOU, an employee required to work the holiday shall be paid one and one-half (1.5) times his/her rate of pay. An employee required to work the holiday would bank their appointed Holiday hours as a Floating Holiday and take them at a later date with approval of their Supervisor.

**3070.45 Exceptions.**

A holiday that occurs on a Saturday shall be granted the preceding Friday. A holiday that occurs on a Sunday

shall be granted the following Monday. If the District has enacted an Alternate Working Schedule (AWS) such as a 4/10 workweek (four days of 10 work hours each, Monday through Thursday), and a holiday occurs on a Friday when the District is closed, the holiday shall be credited to the employee as a paid floating holiday to be used later in the fiscal year or granted the preceding Thursday.

A. Unless excused due to pre-approved vacation, jury or witness duty, hospitalization, scheduled preventative care, or the death of an immediate family member, employees must work a full shift on the regular scheduled business day before and after the holiday to qualify for ~~this benefit~~ Holiday Pay. Human Resources or the designated appointee may request documentation of these exceptions in order for Holiday Pay to be approved.

**3070.56 Authorized Leave.** When an employee is taking an authorized leave with pay when a holiday occurs, said holiday shall not be charged against said leave with pay.

~~3070.6 — Employees must work the regular business day before and after the holiday to qualify for this benefit, unless a preapproved vacation exists.~~



**3070.1 Applicability.** The District is closed for operations during Holidays listed herein.

**3070.2 Holidays.** The following days shall be recognized and observed as paid holidays:

1. January 1 (New Year's Day);
2. Third Monday in January (Martin Luther King, Jr.'s Day );
3. Third Monday in February (President's Day);
4. Last Monday in May (Memorial Day);
5. July 4 (Independence Day);
6. First Monday in September (Labor Day);
7. November 11 (Veteran's Day);
8. Thanksgiving Day;
9. Friday After Thanksgiving Day; \*
10. December 25 (Christmas Day);
11. Employee's Birthday (Floating Holiday); or
12. Other holidays provided to employees, subject to the discretion of the Board.

**3070.3 Holiday Pay.** Holiday pay shall be provided to all full-time, regular employees of the District. Employees that do not work the holiday shall be credited with Holiday pay in the amount of their regularly scheduled workday hours. Such hours shall not be counted as a day worked for the purposes of the computation of overtime. Refer to the District's policy on overtime. Part-time and temporary employees are not eligible to receive holiday pay.

**3070.4 Compensation in Lieu of Holiday.** Unless required as part of the District required rotation schedule set forth in the MOU, an employee required to work the holiday shall be paid one and one-half (1.5) times his/her rate of pay. An employee required to work the holiday would bank their appointed Holiday hours as a Floating Holiday and take them at a later date with approval of their Supervisor.

**3070.5 Exceptions.**

A holiday that occurs on a Saturday shall be granted the preceding Friday. A holiday that occurs on a Sunday shall be granted the following Monday. If the District has enacted an Alternate Working Schedule (AWS) such as a 4/10 workweek (four days of 10 work hours each, Monday through Thursday), and a holiday occurs on a Friday when the District is closed, the holiday shall be credited to the employee as a paid floating holiday to be used later in the fiscal year or granted the preceding Thursday.

- A. Unless excused due to pre-approved vacation, jury or witness duty, hospitalization, scheduled preventative care, or the death of an immediate family member, employees must work a full shift on the regular

scheduled business day before and after the holiday to qualify for Holiday Pay. Human Resources or the designated appointee may request documentation of these exceptions in order for Holiday Pay to be approved.

**3070.6 Authorized Leave.** When an employee is taking an authorized leave with pay when a holiday occurs, said holiday shall not be charged against said leave with pay.

**Attachment 3**

Holiday pay is the monetary bonus you receive for working a holiday, which is typically higher than your regular rate. Depending on your employer, you may also receive a day off with pay to make up for the fact that you worked on a day that is normally off.

For example, if you're an employee at a retail store and they close on Thanksgiving, you'll likely receive holiday pay for that day. You may also be offered additional paid leave days.

## When Does An Employer Have To Provide Holiday Pay?

Holiday pay is voluntary. Companies are not required to provide it, but many do. Employers may set requirements for employees in order for them to qualify for holiday pay. Employees may be required to work the day before and day after a holiday in order to qualify for pay, or employees may have to have worked a certain amount of time before they qualify for paid holidays.

## Which Holidays Are Paid In California?

This varies based on the company, but generally, the following holidays are paid in California: New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas. Again, employers are not required but can offer these as paid holidays.

### How Is Holiday Pay Calculated?



**Beaumont-Cherry Valley Water District  
Personnel Committee  
January 16, 2024**

Item 6c

STAFF REPORT

**TO:** Personnel Committee  
**FROM:** Ren Berioso, Human Resources Manager  
**SUBJECT: Policies and Procedures Manual Updates/Revisions regarding Policy 3085 Sick Leave**

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**Staff Recommendation**

Approve the updated 3085 Sick Leave policy to move forward to the next Board of Directors meeting with the following revisions outline on Table 1, Summary of Policy Changes.

**Executive Summary**

Staff is proposing updates to the current Sick Leave policy to align with the California AB 1041 effective January 1, 2023, adding language of paid sick leave for Designated Person, and SB 616 effective January 1, 2024, extending paid sick leave to all staff for a minimum of 40 hours a year. Staff also proposes adding language requiring medical certification for absence beyond 3 days to mitigate legal risks resulting in workers compensation.

**Background**

At the August 16, 2022 Personnel Committee Meeting, former Human Resources (HR) staff presented changes to the Sick Leave policy by adding a cap if sick leave is carried over to the next year, and changing “days” to “hours” aligning with the requirements of California Healthy Workplaces, Healthy Families Act. The Committee also identified a discrepancy and recommended that the maintaining balance after sick leave carry-over must be consistent with the MOU requirement of 40 hours. At the September 14, 2022 Regular Board Meeting, the Board of Directors approved the revised policy.

In October 2023, District staff identified CA SB 616, effective January 1, 2024, which provides “all CA employees with a minimum paid sick leave of 40 hours a year once they reached their 200th day of employment.” Staff prepared the draft updates to the approved policy and caught that CA AB 1041, which took effect on January 1, 2023, adding “Designated Persons” in the list of the eligible reasons an employee can utilize paid sick leave, had not been presented to the Personnel Committee, and full Board, to be included in the existing policy.

To ensure that no other requirements were missing from the policy, staff researched State and Federal requirements related to sick leave. Staff additionally reached out to the HR Consultant, HR Dynamics, to collect information about industry trends, and requested a review by Legal Counsel.

**Discussion**

Table 1 outlines the proposed changes to the current Sick Leave policy that are in reference to the redline draft version attached herewith.



Table 1 – Summary of Policy Changes

		State / Federal Law requirement	BCVWD current practice	Option/s to Consider	Fiscal Impact of Option
A	3085.2	<b>SB 616 SEC 3. 246.5 (a) (1)</b> Application of paid sick leave for existing health condition or preventative care.	Paid sick leave application for preventative care.	Rewording of preventative care in the policy language.	No fiscal impact.
B	3085.4	<b>SB 616, SEC 2., Sec. 246 (a)(3).</b> Increase to a minimum of 40 hours a year for all employees reaching 200th day of employment, with an annual cap of not lower than 80 hours in a year.	Provides a maximum of 24 hours for temporary and part-time employees, with an annual cap for part-time employees of 80 hours per year.	Provide a minimum of 24 hours for temp and part-time employees reaching 120th day of employment. Increase to a minimum of 40 hours if 200th day of employment is reached.	The hourly rate for 16 hours of accrued leave. As identified as a legal requirement, 40 hours was included for all temporary staff in the 2024 Operating Budget.
C	3085.4	<b>None</b>	Identified sick leave paid out only for retirement.	No language changes. Moved to separate Section 3085.5	No fiscal impact.
D	3085.7 and 3085.8	<b>AB 1041, Sec 245.5 (a)(4)(c)(8).</b> Addition of Designated Person.	Designated Person is not listed in the current policy.	<b>3085.7 (7)</b> Addition of sick leave to care for "Designated Person" once every 12 months. <b>3085.8.</b> Sick Leave for "Designated Person" used once in a 12 -month period, with the roll-over starting at the time it is used.	No fiscal Impact



		State / Federal Law requirement	BCVWD current practice	Option/s to Consider	Fiscal Impact of Option
E	3085.10	None.	No language in the current policy.	Added language that District may require a doctor's note for absence beyond 5 workdays.  <i>Recommended to mitigate risks resulting from workers compensation if the employee has no fit-to-work note from the doctor.</i>	No fiscal impact.
F	3085.12	None.	No language in the current policy.	Added language to further define retaliation.	No fiscal impact.

**Fiscal Impact**

The fiscal impact is the additional 16 hours a temp employee will accrue once his/her employment reaches 200<sup>th</sup> day. This was already included in the 2024 Operating budget.

**Attachments**

1. Redline draft version of 3085 Sick Leave with Legal Counsel notes.
2. Clean draft of 3085 Sick Leave
3. Assembly Bill No. 1041, Sec 245.5 (State of California Authenticated Electronic Legal Material)
4. Senate Bill No. 616, Sec 246 (State of California Authenticated Electronic Legal Material)
5. Right-To-Paid-Sick-Leave State of California

Staff Report prepared by Ren Berioso, Human Resources Manager

**POLICY TITLE:** SICK LEAVE (Revised 11/7/23)  
**POLICY NUMBER:** 3085

**3085.1- Application.** This policy shall apply to employees in all classifications who work at least 30 days within a year in accordance with the Healthy Workplaces, Healthy Families Act, of 2014 (AB 1522).

**3085.2- Definition.** Sick leave is defined as absence from work due to mental or physical illness, non-industrial injury or health condition, or quarantine due to exposure to a contagious disease any of which prevents the employee from working; or to obtain medical diagnoses, care, or treatment, as well as preventative medical, vision and dental care. ~~In addition, dentist and doctor appointments and prescribed sickness prevention measures shall be subject to sick leave when prior notice is provided to the supervisor.~~

**3085.3- Accrual for Regular, Full-Time Employees.** Employees shall accumulate sick leave at the rate of one (1) day, or ten (10) hours per month. There are no established limits for sick leave accruals, and employees may carry over from one (1) year of employment to the next any unused balance.

**3085.4 Accrual for Temporary and Part-Time Employees.** A temporary or part-time employee will accrue sick leave at the rate of one (1) hour for every thirty (30) hours worked. The District shall provide a minimum of three (3) days, or twenty-four (24) hours of paid sick leave by the employee's 120<sup>th</sup> calendar day of employment, and a minimum of five (5) days, or forty (40) hours of paid sick leave by the employee's 200<sup>th</sup> calendar day of employment. A temporary or part-time employee may accrue a maximum of ten (10) days or eighty (80) hours, and such Part-time employees may carry over from one (1) year of employment to the next up to five (5) days or forty (40) hours. The District is not required to pay out unused sick leave upon separation from employment. If the temporary or part-time employee is rehired within one (1) year of separation, the prior unused sick leave balance will be reinstated at the time of rehire.

**3085.5. Payout.** The District is not required to pay-out unused sick leaves upon separation from employment, with the exception of retirement. The sick leave accrual shall also reset at the time of rehire, unless the employee is rehired within one year of separation, in which case all previously accrued and unused sick leave will be restored to the employee upon rehire.

⋮

**3085.65 Waiting Period. 4-** There is no waiting period before new regular, full-time new hires are eligible to use accrued sick leave. Temporary and Part-time employees have a ninety (90) day waiting period.

**3085.576 Use.** Sick leave shall be used in hourly increments. Each employee may use up to fifty percent (50%) of their accrued sick leave as kin care leave, ~~to care for sick family members.~~ It is also provided for those circumstances where the employee must take time off to care for a sick family member, regardless of the seriousness of the illness. Employees should notify their supervisor in advance to the extent feasible, or as soon as practicable, in order to avoid disruptions in work schedule as a result of use of sick leave and kin care time. Family members covered include parents, children, spouses, registered domestic partners, grandparents, grandchildren, ~~and~~ siblings, and designated persons for whom the employee provides care.

- 1. A "child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom an employee stands *in loco parentis*, regardless of age or dependency status.

**Commented [RSG1]:** The front-loading method is preferable as it eliminates the administrative burden associated with the new law. The front loading approach requires providing the full five (5) days, or forty (40) hours of paid sick leave at the time of hire for temporary and part-time employees.

**Commented [RB2R1]:** This may not be approved by the Personnel Committee. Most of our temps do not exceed 6 months.

**Commented [RSG3]:** The District may be more generous than the law provides and may eliminate the waiting period.

**Commented [RSG4]:** Does the District and Board intend to be more generous than the law requires related to Kin-care leave? Kin-care leave law only requires that 50% of accrued leave be provided. Kin-care leave is addressed separately in the new Misc. leave policy – it could be removed from the Misc. leave policy, since it is addressed here.

**Commented [RB5R4]:** We can make this an option to the Personnel Committee. However, I am sure that they will push back.

2. A "parent" means a biological, foster, or adoptive parent, a stepparent, legal guardian, or person who stood *in loco parentis* when the employee was a minor child. Mothers-in-law and fathers-in-law are also considered "parents" for the purposes of this definition.
3. The term "spouse" applies only to an individual to whom the employee is legally married.
4. A "registered domestic partnership" shall be established in California when both persons file a Declaration of Domestic Partnership and are registered with the Secretary of State.
5. A "sibling" includes any person with whom the employee shares a biological, foster, adoptive, or step parent.
6. Any other definition of "family member" that in the future the Legislature deems covered by paid sick leave law.
7. A "designated person" shall be the person for which the employee provides care. This is any individual related by blood or whose association with the employee is the equivalent of a family member.

**Commented [RSG6]:** The Kin-care allows for the employee to take leave to care for a designated person.

**3085.8 Designated Person.** An employee can only utilize sick leave to care for a "designated person" once in a 12-month period, with the roll-over commencing at the time this was used. Supervisors are not allowed to inquire as to the nature of the employee's relationship to the designated person a paid sick leave is to be used for.

6.

**3085.987 Other Use.** 6—An employee may also use sick leave to seek relief or services as a victim of domestic violence, sexual assault, or stalking, as described under Labor Code sections 230(c) and 230.1(a).

**3085.10987 Notice.** In order to receive compensation while on sick leave, the employee shall notify a supervisor prior to the time for beginning the regular workday, or as soon thereafter as practical.

**3085.110 Medical Certification.** For absence in excess of five (5) ~~three (3)~~ workdays due to the employee's physical or mental illness, the District ~~may shall~~ require a medical certification from a licensed medical provider prior to returning to work and must be submitted to Human Resources Department.

**Commented [RTG7]:** Although not explicitly required by law, I would consider changing this to 5 days.

**3085.8 Evidence.** ~~If absence from duty by reason of illness occurs, satisfactory evidence may be required by the employee's immediate supervisor or Human Resources. Such evidence may include but is not limited to a medical certification from a licensed physician.~~

**3085.12499 RNo Retaliation or Discrimination.** Retaliation or discrimination against employees for use of sick leave is prohibited. The District shall not treat sick leave usage as an absence to support an employee's discipline, discharge, demotion, or suspension, unless such use is found to have been an inappropriate use or abuse of the granted paid time off.

**Commented [RSG8]:** The Healthy Workplaces, Healthy Families Act of 2014 only requires that "an employee need only assert that the sick leave was for a covered purpose in general terms."



**3085.129 — Buy-Back.**

1. **Incentive Plan A.** An employee not using any sick leave for twelve (12) consecutive months may convert his/her accrued sick hours to cash at a rate of half (.5) times his/her regular hourly rate. Sick hours may be "cashed out" at the employee's request no more than two (2) times per calendar year. Employees must maintain a balance of at least forty (40) hours of sick leave.
2. **Incentive Plan B.** Upon retirement or death, an employee, or his/her beneficiary, shall be entitled to receive fifty percent (50%) of all accumulated sick leave not compensated for in Incentive Plan A above. The beneficiary shall be the individual indicated on the employee's Life Insurance Beneficiary Form.

## Attachment 2

**POLICY TITLE: SICK LEAVE**

**POLICY NUMBER: 3085**

**3085.1 Application.** This policy shall apply to employees in all classifications who work at least 30 days within a year in accordance with the Healthy Workplaces, Healthy Families Act.

**3085.2 Definition.** Sick leave is defined as absence from work due to mental or physical illness; non-industrial injury or health condition; or quarantine due to exposure to a contagious disease any of which prevents the employee from working; or to obtain medical diagnoses, care, or treatment, as well as preventative medical, vision and dental care.

**3085.3 Accrual for Regular, Full-Time Employees.** Employees shall accumulate sick leave at the rate of one (1) day, or ten (10) hours per month. There are no established limits for sick leave accruals, and employees may carry over from one (1) year of employment to the next any unused balance.

**3085.4 Accrual for Temporary and Part-Time Employees.** A temporary or part-time employee will accrue sick leave at the rate of one (1) hour for every thirty (30) hours worked. The District shall provide a minimum of three (3) days, or twenty-four (24) hours of paid sick leave by the employee's 120<sup>th</sup> calendar day of employment, and a minimum of five (5) days, or forty (40) hours of paid sick leave by the employee's 200<sup>th</sup> calendar day of employment. A temporary or part-time employee may accrue a maximum of ten (10) days or eighty (80) hours. Part-time employees may carry over from one (1) year of employment to the next up to five (5) days or forty (40) hours.

**3085.5 Payout.** The District is not required to pay-out unused sick leaves upon separation from employment, with the exception of retirement. The sick leave accrual shall also reset at the time of rehire, unless the employee is rehired within one year of separation, in which case all previously accrued and unused sick leave will be restored to the employee upon rehire.

**3085.6 Waiting Period.** There is no waiting period before regular, full-time new hires are eligible to use accrued sick leave. Temporary and Part-time employees have a ninety (90) day waiting period.

**3085.7 Use.** Sick leave shall be used in hourly increments. Each employee may use up to fifty percent (50%) of their accrued sick leave as kin care leave. It is also provided for those circumstances where the employee must take time off to care for a family member, regardless of the seriousness of the illness. Employees should notify their supervisor in advance to the extent feasible, or as soon as practicable, in order to avoid disruptions in work schedule as a result of use of sick leave and kin care time. Family members covered include parents, children, spouses, registered domestic partners, grandparents, grandchildren, siblings, and designated persons for whom the employee provides care.

1. A "child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom an employee stands *in loco parentis*, regardless of age or dependency status.
2. A "parent" means a biological, foster, or adoptive parent, a stepparent, legal guardian, or person who stood *in loco parentis* when the employee was a minor child. Mothers-in-law and fathers-in-law are also considered "parents" for the purposes of this definition.

3. The term “spouse” applies only to an individual to whom the employee is legally married.
4. A “registered domestic partnership” shall be established in California when both persons file a Declaration of Domestic Partnership and are registered with the Secretary of State.
5. A “sibling” includes any person with whom the employee shares a biological, foster, adoptive, or step parent.
6. Any other definition of “family member” that in the future the Legislature deems covered by paid sick leave law.
7. A “designated person” shall be the person for which the employee provides care. This is any individual related by blood or whose association with the employee is the equivalent of a family member.

**3085.8 Designated Person.** An employee can only utilize sick leave to care for a “designated person” once in a 12-month period, with the roll-over commencing at the time this was used. Supervisors are not allowed to inquire as to the nature of the employee’s relationship to the designated person a paid sick leave is to be used for.

**3085.9 Other Use.** An employee may also use sick leave to seek relief or services as a victim of domestic violence, sexual assault, or stalking, as described under Labor Code sections 230(c) and 230.1(a).

**3085.10 Notice.** In order to receive compensation while on sick leave, the employee shall notify a supervisor prior to the time for beginning the regular workday, or as soon thereafter as practical.

**3085.11 Medical Certification.** For absence in excess of five (5) workdays due to the employee’s physical or mental illness, the District may require a medical certification from a licensed medical provider prior to returning to work and must be submitted to Human Resources Department

**3085.12 No Retaliation or Discrimination.** Retaliation or discrimination against employees for use of sick leave is prohibited. The District shall not treat sick leave usage as an absence to support an employee’s discipline, discharge, demotion, or suspension, unless such use is found to have been an inappropriate use or abuse of the granted paid time off.

**3085.12 Buy-Back.**

1. **Incentive Plan A.** An employee not using any sick leave for twelve (12) consecutive months may convert his/her accrued sick hours to cash at a rate of half (.5) times his/her regular hourly rate. Sick hours may be “cashed out” at the employee’s request no more than two (2) times per calendar year. Employees must maintain a balance of at least forty (40) hours of sick leave.
2. **Incentive Plan B.** Upon retirement or death, an employee, or his/her beneficiary, shall be entitled to receive fifty percent (50%) of all accumulated sick leave not compensated for in Incentive Plan A above. The beneficiary shall be the individual indicated on the employee’s Life Insurance Beneficiary Form.

# Attachment 3

## Assembly Bill No. 1041

### CHAPTER 748

An act to amend Section 12945.2 of the Government Code, and to amend Section 245.5 of the Labor Code, relating to employment.

[Approved by Governor September 29, 2022. Filed with Secretary of State September 29, 2022.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1041, Wicks. Employment: leave.

(1) Existing law, commonly known as the California Family Rights Act, makes it an unlawful employment practice for a California public employer or an employer with 5 or more employees to refuse to grant a request from an employee who meets specified requirements to take up to a total of 12 workweeks in any 12-month period for family care and medical leave, as defined.

This bill would expand the class of people for whom an employee may take leave to care for to include a designated person. The bill would define "designated person" to mean any individual related by blood or whose association with the employee is the equivalent of a family relationship. The bill would authorize a designated person to be identified at the time the employee requests the leave. The bill would authorize an employer to limit an employee to one designated person per 12-month period.

(2) Existing law, the Healthy Workplaces, Healthy Families Act of 2014, generally entitles an employee who works in California for the same employer for 30 or more days within a year to paid sick days, as specified, including the use of paid sick days for diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member. Existing law defines "family member" for this purpose to include individuals who share a prescribed relationship with the employee.

This bill would expand the definition of the term "family member" to include a designated person, which, for purposes of these provisions, would mean a person identified by the employee at the time the employee requests paid sick days, subject to limitation by the employer, as prescribed.

*The people of the State of California do enact as follows:*

SECTION 1. Section 12945.2 of the Government Code is amended to read:

12945.2. (a) It shall be an unlawful employment practice for any employer, as defined in paragraph (4) of subdivision (b), to refuse to grant

a request by any employee with more than 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period or who meets the requirements of subdivision (r), to take up to a total of 12 workweeks in any 12-month period for family care and medical leave. Family care and medical leave requested pursuant to this subdivision shall not be deemed to have been granted unless the employer provides the employee, upon granting the leave request, a guarantee of employment in the same or a comparable position upon the termination of the leave. The council shall adopt a regulation specifying the elements of a reasonable request.

(b) For purposes of this section:

(1) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis.

(2) "Designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. An employer may limit an employee to one designated person per 12-month period for family care and medical leave.

(3) "Domestic partner" has the same meaning as defined in Section 297 of the Family Code.

(4) "Employer" means either of the following:

(A) Any person who directly employs five or more persons to perform services for a wage or salary.

(B) The state, and any political or civil subdivision of the state and cities.

(5) "Family care and medical leave" means any of the following:

(A) Leave for reason of the birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.

(B) Leave to care for a child, parent, grandparent, grandchild, sibling, spouse, domestic partner, or designated person who has a serious health condition.

(C) Leave because of an employee's own serious health condition that makes the employee unable to perform the functions of the position of that employee, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions.

(D) Leave because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States, as specified in Section 3302.2 of the Unemployment Insurance Code.

(6) "Employment in the same or a comparable position" means employment in a position that has the same or similar duties and pay that can be performed at the same or similar geographic location as the position held prior to the leave.

(7) "FMLA" means the federal Family and Medical Leave Act of 1993 (P.L. 103-3).

(8) "Grandchild" means a child of the employee's child.

(9) “Grandparent” means a parent of the employee’s parent.

(10) “Health care provider” means any of the following:

(A) An individual holding either a physician’s and surgeon’s certificate issued pursuant to Article 4 (commencing with Section 2080) of Chapter 5 of Division 2 of the Business and Professions Code, an osteopathic physician’s and surgeon’s certificate issued pursuant to Article 4.5 (commencing with Section 2099.5) of Chapter 5 of Division 2 of the Business and Professions Code, or an individual duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, who directly treats or supervises the treatment of the serious health condition.

(B) Any other person determined by the United States Secretary of Labor to be capable of providing health care services under the FMLA.

(11) “Parent” means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

(12) “Parent-in-law” means the parent of a spouse or domestic partner.

(13) “Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves either of the following:

(A) Inpatient care in a hospital, hospice, or residential health care facility.

(B) Continuing treatment or continuing supervision by a health care provider.

(14) “Sibling” means a person related to another person by blood, adoption, or affinity through a common legal or biological parent.

(c) An employer shall not be required to pay an employee for any leave taken pursuant to subdivision (a), except as required by subdivision (d).

(d) An employee taking a leave permitted by subdivision (a) may elect, or an employer may require the employee, to substitute, for leave allowed under subdivision (a), any of the employee’s accrued vacation leave or other accrued time off during this period or any other paid or unpaid time off negotiated with the employer. If an employee takes a leave because of the employee’s own serious health condition, the employee may also elect, or the employer may also require the employee, to substitute accrued sick leave during the period of the leave. However, an employee shall not use sick leave during a period of leave in connection with the birth, adoption, or foster care of a child, or to care for a child, parent, grandparent, grandchild, sibling, spouse, domestic partner, or designated person with a serious health condition, unless mutually agreed to by the employer and the employee.

(e) (1) During any period that an eligible employee takes leave pursuant to subdivision (a) or takes leave that qualifies as leave taken under the FMLA, the employer shall maintain and pay for coverage under a “group health plan,” as defined in Section 5000(b)(1) of the Internal Revenue Code, for the duration of the leave, not to exceed 12 workweeks in a 12-month period, commencing on the date leave taken under the FMLA commences, at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. Nothing in the preceding sentence shall preclude an employer from maintaining and paying for coverage under a “group health plan”

beyond 12 workweeks. An employer may recover the premium that the employer paid as required by this subdivision for maintaining coverage for the employee under the group health plan if both of the following conditions occur:

(A) The employee fails to return from leave after the period of leave to which the employee is entitled has expired.

(B) The employee's failure to return from leave is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under subdivision (a) or other circumstances beyond the control of the employee.

(2) Any employee taking leave pursuant to subdivision (a) shall continue to be entitled to participate in employee health plans for any period during which coverage is not provided by the employer under paragraph (1), employee benefit plans, including life insurance or short-term or long-term disability or accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as apply to an unpaid leave taken for any purpose other than those described in subdivision (a). In the absence of these conditions an employee shall continue to be entitled to participate in these plans and, in the case of health and welfare employee benefit plans, including life insurance or short-term or long-term disability or accident insurance, or other similar plans, the employer may, at the employer's discretion, require the employee to pay premiums, at the group rate, during the period of leave not covered by any accrued vacation leave, or other accrued time off, or any other paid or unpaid time off negotiated with the employer, as a condition of continued coverage during the leave period. However, the nonpayment of premiums by an employee shall not constitute a break in service, for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan.

For purposes of pension and retirement plans, an employer shall not be required to make plan payments for an employee during the leave period, and the leave period shall not be required to be counted for purposes of time accrued under the plan. However, an employee covered by a pension plan may continue to make contributions in accordance with the terms of the plan during the period of the leave.

(f) During a family care and medical leave period, the employee shall retain employee status with the employer, and the leave shall not constitute a break in service, for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. An employee returning from leave shall return with no less seniority than the employee had when the leave commenced, for purposes of layoff, recall, promotion, job assignment, and seniority-related benefits such as vacation.

(g) If the employee's need for a leave pursuant to this section is foreseeable, the employee shall provide the employer with reasonable advance notice of the need for the leave.

(h) If the employee's need for leave pursuant to this section is foreseeable due to a planned medical treatment or supervision, the employee shall make

a reasonable effort to schedule the treatment or supervision to avoid disruption to the operations of the employer, subject to the approval of the health care provider of the individual requiring the treatment or supervision.

(i) (1) An employer may require that an employee's request for leave to care for a child, parent, grandparent, grandchild, sibling, spouse, domestic partner, or designated person who has a serious health condition be supported by a certification issued by the health care provider of the individual requiring care. That certification shall be sufficient if it includes all of the following:

(A) The date on which the serious health condition commenced.

(B) The probable duration of the condition.

(C) An estimate of the amount of time that the health care provider believes the employee needs to care for the individual requiring the care.

(D) A statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the individual requiring care.

(2) Upon expiration of the time estimated by the health care provider in subparagraph (C) of paragraph (1), the employer may require the employee to obtain recertification, in accordance with the procedure provided in paragraph (1), if additional leave is required.

(j) (1) An employer may require that an employee's request for leave because of the employee's own serious health condition be supported by a certification issued by the employee's health care provider. That certification shall be sufficient if it includes all of the following:

(A) The date on which the serious health condition commenced.

(B) The probable duration of the condition.

(C) A statement that, due to the serious health condition, the employee is unable to perform the function of the employee's position.

(2) The employer may require that the employee obtain subsequent recertification regarding the employee's serious health condition on a reasonable basis, in accordance with the procedure provided in paragraph (1), if additional leave is required.

(3) (A) In any case in which the employer has reason to doubt the validity of the certification provided pursuant to this section, the employer may require, at the employer's expense, that the employee obtain the opinion of a second health care provider, designated or approved by the employer, concerning any information certified under paragraph (1).

(B) The health care provider designated or approved under subparagraph (A) shall not be employed on a regular basis by the employer.

(C) In any case in which the second opinion described in subparagraph (A) differs from the opinion in the original certification, the employer may require, at the employer's expense, that the employee obtain the opinion of a third health care provider, designated or approved jointly by the employer and the employee, concerning the information certified under paragraph (1).



(D) The opinion of the third health care provider concerning the information certified under paragraph (1) shall be considered to be final and shall be binding on the employer and the employee.

(4) As a condition of an employee's return from leave taken because of the employee's own serious health condition, the employer may have a uniformly applied practice or policy that requires the employee to obtain certification from the employee's health care provider that the employee is able to resume work. Nothing in this paragraph shall supersede a valid collective bargaining agreement that governs the return to work of that employee.

(k) It shall be an unlawful employment practice for an employer to refuse to hire, or to discharge, fine, suspend, expel, or discriminate against, any individual because of any of the following:

(1) An individual's exercise of the right to family care and medical leave provided by subdivision (a).

(2) An individual's giving information or testimony as to the individual's own family care and medical leave, or another person's family care and medical leave, in any inquiry or proceeding related to rights guaranteed under this section.

(l) This section shall not be construed to require any changes in existing collective bargaining agreements during the life of the contract, or until January 1, 1993, whichever occurs first.

(m) The amendments made to this section by Chapter 827 of the Statutes of 1993 shall not be construed to require any changes in existing collective bargaining agreements during the life of the contract, or until February 5, 1994, whichever occurs first.

(n) This section shall be construed as separate and distinct from Section 12945.

(o) Leave provided for pursuant to this section may be taken in one or more periods. The 12-month period during which 12 workweeks of leave may be taken under this section shall run concurrently with the 12-month period under the FMLA, and shall commence the date leave taken under the FMLA commences.

(p) Leave taken by an employee pursuant to this section shall run concurrently with leave taken pursuant to the FMLA, except for any leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical conditions. The aggregate amount of leave taken under this section or the FMLA, or both, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions, shall not exceed 12 workweeks in a 12-month period. An employee is entitled to take, in addition to the leave provided for under this section and the FMLA, the leave provided for in Section 12945, if the employee is otherwise qualified for that leave.

(q) It shall be an unlawful employment practice for an employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section.

(r) (1) An employee employed by an air carrier as a flight deck or cabin crew member meets the eligibility requirements specified in subdivision (a) if all of the following requirements are met:

(A) The employee has 12 months or more of service with the employer.

(B) The employee has worked or been paid for 60 percent of the applicable monthly guarantee, or the equivalent annualized over the preceding 12-month period.

(C) The employee has worked or been paid for a minimum of 504 hours during the preceding 12-month period.

(2) As used in this subdivision, the term “applicable monthly guarantee” means both of the following:

(A) For employees described in this subdivision other than employees on reserve status, the minimum number of hours for which an employer has agreed to schedule those employees for any given month.

(B) For employees described in this subdivision who are on reserve status, the number of hours for which an employer has agreed to pay those employees on reserve status for any given month, as established in the collective bargaining agreement or, if none exists, in the employer’s policies.

(3) The department may provide, by regulation, a method for calculating the leave described in subdivision (a) with respect to employees described in this subdivision.

SEC. 2. Section 245.5 of the Labor Code is amended to read:

245.5. As used in this article:

(a) “Employee” does not include the following:

(1) An employee covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of employees, and expressly provides for paid sick days or a paid leave or paid time off policy that permits the use of sick days for those employees, final and binding arbitration of disputes concerning the application of its paid sick days provisions, premium wage rates for all overtime hours worked, and regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate.

(2) An employee in the construction industry covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of employees, premium wage rates for all overtime hours worked, and regular hourly pay of not less than 30 percent more than the state minimum wage rate, and the agreement either (A) was entered into before January 1, 2015, or (B) expressly waives the requirements of this article in clear and unambiguous terms. For purposes of this subparagraph, “employee in the construction industry” means an employee performing work associated with construction, including work involving alteration, demolition, building, excavation, renovation, remodeling, maintenance, improvement, repair work, and any other work as described by Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and other similar or related occupations or trades.

(3) An individual employed by an air carrier as a flight deck or cabin crew member that is subject to Title II of the federal Railway Labor Act (45 U.S.C. Sec. 151 et seq.), provided that the individual is provided with compensated time off equal to or exceeding the amount established in paragraph (1) of subdivision (b) of Section 246.

(4) An employee of the state, city, county, city and county, district, or any other public entity who is a recipient of a retirement allowance and employed without reinstatement into the employee's respective retirement system pursuant to either Article 8 (commencing with Section 21220) of Chapter 12 of Part 3 of Division 5 of Title 2 of the Government Code, or Article 8 (commencing with Section 31670) of Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code.

(b) "Employer" means any person employing another under any appointment or contract of hire and includes the state, political subdivisions of the state, and municipalities.

(c) "Family member" means any of the following:

(1) A child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.

(2) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.

(3) A spouse.

(4) A registered domestic partner.

(5) A grandparent.

(6) A grandchild.

(7) A sibling.

(8) A designated person, which, for purposes of this article, means a person identified by the employee at the time the employee requests paid sick days. An employer may limit an employee to one designated person per 12-month period for paid sick days.

(d) "Health care provider" has the same meaning as defined in Section 12945.2 of the Government Code.

(e) "Paid sick days" means time that is compensated at the same wage as the employee normally earns during regular work hours and is provided by an employer to an employee for the purposes described in Section 246.5.

# Attachment 4

## Senate Bill No. 616

### CHAPTER 309

An act to amend Sections 245.5, 246, and 246.5 of the Labor Code, relating to employment.

[Approved by Governor October 4, 2023. Filed with Secretary of State October 4, 2023.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 616, Gonzalez. Sick days: paid sick days accrual and use.

Existing law, the Healthy Workplaces, Healthy Families Act of 2014 (act), establishes requirements relating to paid sick days and paid sick leave, as described. The act excludes specified employees from its provisions, including an employee covered by a valid collective bargaining agreement, as described (CBA employees).

This bill would exclude railroad carrier employers and their employees from the act's provisions.

Existing law, with certain exceptions, entitles an employee to paid sick days for certain purposes if the employee works in California for the same employer for 30 or more days within a year from the commencement of employment. Existing law imposes procedural requirements on employers regarding the use of paid sick days, including by prohibiting retaliation for using paid sick days, by prohibiting the imposition of certain conditions on the use of paid sick days, and by requiring the use of paid sick days for specified health care and situations. Existing law requires the leave to be accrued at a rate of no less than one hour for every 30 hours worked, and to be available for use beginning on the 90th day of employment.

This bill would extend the above-described procedural requirements on the use of paid sick days to CBA employees.

Existing law authorizes an employer to use a different accrual method as long as an employee has no less than 24 hours of accrued sick leave or paid time off by the 120th calendar day of employment or each calendar year, or in each 12-month period. Existing law also provides that an employer may satisfy the accrual requirements by providing not less than 24 hours or 3 days of paid sick leave that is available to the employee to use by the completion of the employee's 120th calendar day of employment.

This bill would modify the employer's alternate sick leave accrual method to additionally require that an employee have no less than 40 hours of accrued sick leave or paid time off by the 200th calendar day of employment or each calendar year, or in each 12-month period. The bill would modify that satisfaction provision to authorize an employer to satisfy accrual requirements by providing, in addition to the existing criteria for satisfaction above, not less than 40 hours or 5 days of paid sick leave that is available

to the employee to use by the completion of the employee's 200th calendar day of employment.

Existing law requires accrued paid sick days to carry over to the following year of employment. Existing law, however, authorizes an employer to limit an employee's use of accrued paid sick days to 24 hours or 3 days in each year of employment, calendar year, or 12-month period. Under existing law, this provision is satisfied and no accrual or carryover is required if the full amount of leave is received at the beginning of each year of employment, calendar year, or 12-month period. Existing law defines "full amount of leave" for these purposes to mean 3 days or 24 hours.

This bill would raise the employer's authorized limitation on the use of carryover sick leave to 40 hours or 5 days in each year of employment. The bill would redefine "full amount of leave" to mean 5 days or 40 hours.

Existing law also entitles individual providers of in-home supportive services and waiver personal care services, as defined, to paid sick days in specified amounts in accordance with minimum wage increases, up to a maximum of 24 hours or 3 days each year of employment when the minimum wage has reached \$15 per hour. Existing law authorizes the State Department of Social Services to implement and interpret these provisions.

This bill would increase the sick leave accrual rate for these providers to 40 hours or 5 days in each year of employment, beginning January 1, 2024.

Under existing law, an employer is not required to provide additional paid sick days pursuant to these provisions if the employer has a paid leave or paid time off policy, makes an amount of leave available to employees that may be used for the same purposes and under the same conditions as these provisions, and the policy satisfies one of specified conditions. Under that law, one of those conditions requires the employer to have provided paid sick leave or paid time off in a manner that results in an employee's eligibility to earn at least 3 days or 24 hours of sick leave or paid time off within 9 months of employment.

This bill would change that condition so that the employee must be eligible to earn at least 5 days or 40 hours of sick leave or paid time off within 6 months of employment.

Under existing law, an employer has no obligation under these provisions to allow an employee's total accrual of paid sick leave to exceed 48 hours or 6 days, provided that an employee's rights to accrue and use paid sick leave are not otherwise limited, as specified.

This bill would increase those accrual thresholds for paid sick leave to 80 hours or 10 days.

Existing paid sick days law sets forth provisions on, among other things, compensation for accrued, unused paid sick days upon specified employment events, the lending of paid sick days to employees, written notice requirements, the calculation of paid sick leave, reasonable advance notification requirements, and payment of sick leave taken.

This bill would provide that these provisions shall preempt any local ordinance to the contrary.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

*The people of the State of California do enact as follows:*

SECTION 1. Section 245.5 of the Labor Code is amended to read:

245.5. As used in this article:

(a) "Employee" does not include the following:

(1) Except as provided in subdivision (d) of Section 246.5, an employee covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of employees, and expressly provides for paid sick days or a paid leave or paid time off policy that permits the use of sick days for those employees, final and binding arbitration of disputes concerning the application of its paid sick days provisions, premium wage rates for all overtime hours worked, and regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate.

(2) An employee in the construction industry covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of employees, premium wage rates for all overtime hours worked, and regular hourly pay of not less than 30 percent more than the state minimum wage rate, and the agreement either (A) was entered into before January 1, 2015, or (B) expressly waives the requirements of this article in clear and unambiguous terms. For purposes of this subparagraph, "employee in the construction industry" means an employee performing work associated with construction, including work involving alteration, demolition, building, excavation, renovation, remodeling, maintenance, improvement, repair work, and any other work as described by Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and other similar or related occupations or trades.

(3) An individual employed by an air carrier as a flight deck or cabin crew member that is subject to Title II of the federal Railway Labor Act (45 U.S.C. Sec. 151 et seq.), provided that the individual is provided with compensated time off equal to or exceeding the amount established in paragraph (1) of subdivision (b) of Section 246.

(4) An employee of the state, city, county, city and county, district, or any other public entity who is a recipient of a retirement allowance and employed without reinstatement into the employee's respective retirement system pursuant to either Article 8 (commencing with Section 21220) of Chapter 12 of Part 3 of Division 5 of Title 2 of the Government Code, or Article 8 (commencing with Section 31670) of Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code.

(5) An employee as defined in Section 351(d) of Title 45 of the United States Code.

(b) (1) “Employer” means any person employing another under any appointment or contract of hire and includes the state, political subdivisions of the state, and municipalities.

(2) “Employer” does not include any employer described in Section 351(a) of Title 45 of the United States Code.

(c) “Family member” means any of the following:

(1) A child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.

(2) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.

(3) A spouse.

(4) A registered domestic partner.

(5) A grandparent.

(6) A grandchild.

(7) A sibling.

(8) A designated person, which, for purposes of this article, means a person identified by the employee at the time the employee requests paid sick days. An employer may limit an employee to one designated person per 12-month period for paid sick days.

(d) “Health care provider” has the same meaning as defined in Section 12945.2 of the Government Code.

(e) “Paid sick days” means time that is compensated at the same wage as the employee normally earns during regular work hours and is provided by an employer to an employee for the purposes described in Section 246.5.

SEC. 2. Section 246 of the Labor Code is amended to read:

246. (a) (1) An employee who, on or after July 1, 2015, works in California for the same employer for 30 or more days within a year from the commencement of employment is entitled to paid sick days as specified in this section. For an individual provider of waiver personal care services under Section 14132.97 of the Welfare and Institutions Code who also provides in-home supportive services in an applicable month, eligibility shall be determined based on the aggregate number of monthly hours worked between in-home supportive services and waiver personal care services pursuant to subdivision (d) of Section 14132.971.

(2) On and after July 1, 2018, a provider of in-home supportive services under Section 14132.95, 14132.952, or 14132.956 of, or Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of, the Welfare and Institutions Code, who works in California for 30 or more days within a year from the commencement of employment is entitled to paid sick days as specified in subdivision (e) and subject to the rate of accrual in paragraph (1) of subdivision (b). For an individual provider of waiver personal care services under Section 14132.97 of the Welfare and Institutions Code, entitlement to paid sick days begins on July 1, 2019.

(b) (1) An employee shall accrue paid sick days at the rate of not less than one hour per every 30 hours worked, beginning at the commencement of employment or the operative date of this article, whichever is later, subject to the use and accrual limitations set forth in this section.

(2) An employee who is exempt from overtime requirements as an administrative, executive, or professional employee under a wage order of the Industrial Welfare Commission is deemed to work 40 hours per workweek for the purposes of this section, unless the employee's normal workweek is less than 40 hours, in which case the employee shall accrue paid sick days based upon that normal workweek.

(3) An employer may use a different accrual method, other than providing one hour per every 30 hours worked, provided that the accrual is on a regular basis so that an employee has no less than 24 hours of accrued sick leave or paid time off by the 120th calendar day of employment or each calendar year, or in each 12-month period, and no less than 40 hours of accrued sick leave or paid time off by the 200th calendar day of employment or each calendar year, or in each 12-month period.

(4) An employer may satisfy the accrual requirements of this section by providing not less than 24 hours or 3 days of paid sick leave that is available to the employee to use by the completion of the employee's 120th calendar day of employment, and no less than 40 hours or 5 days of paid sick leave that is available to the employee to use by the completion of the employee's 200th calendar day of employment.

(c) An employee shall be entitled to use accrued paid sick days beginning on the 90th day of employment, after which day the employee may use paid sick days as they are accrued.

(d) Accrued paid sick days shall carry over to the following year of employment. However, an employer may limit an employee's use of accrued paid sick days to 40 hours or five days in each year of employment, calendar year, or 12-month period. This section shall be satisfied and no accrual or carryover is required if the full amount of leave is received at the beginning of each year of employment, calendar year, or 12-month period. The term "full amount of leave" means five days or 40 hours.

(e) For a provider of in-home supportive services under Section 14132.95, 14132.952, or 14132.956 of, or Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of, and an individual provider of waiver personal care services under Section 14132.97 of, the Welfare and Institutions Code, the term "full amount of leave" is defined as follows:

(1) Eight hours or one day in each year of employment, calendar year, or 12-month period beginning July 1, 2018.

(2) Sixteen hours or two days in each year of employment, calendar year, or 12-month period beginning when the minimum wage, as set forth in paragraph (1) of subdivision (b) of Section 1182.12 and accounting for any years postponed under subparagraph (D) of paragraph (3) of subdivision (d) of Section 1182.12, has reached thirteen dollars (\$13) per hour.

(3) Twenty-four hours or three days in each year of employment, calendar year, or 12-month period beginning when the minimum wage, as set forth



in paragraph (1) of subdivision (b) of Section 1182.12 and accounting for any years postponed under subparagraph (D) of paragraph (3) of subdivision (d) of Section 1182.12, has reached fifteen dollars (\$15) per hour.

(4) Forty hours or five days in each year of employment, calendar year, or 12-month period beginning January 1, 2024.

(f) An employer is not required to provide additional paid sick days pursuant to this section if the employer has a paid leave policy or paid time off policy, the employer makes available an amount of leave applicable to employees that may be used for the same purposes and under the same conditions as specified in this section, and the policy satisfies one of the following:

(1) Satisfies the accrual, carryover, and use requirements of this section.

(2) Provided paid sick leave or paid time off to a class of employees before January 1, 2015, pursuant to a sick leave policy or paid time off policy that used an accrual method different than providing one hour per 30 hours worked, provided that the accrual is on a regular basis so that an employee, including an employee hired into that class after January 1, 2015, has no less than one day or eight hours of accrued sick leave or paid time off within three months of employment of each calendar year, or each 12-month period, and the employee was eligible to earn at least five days or 40 hours of sick leave or paid time off within six months of employment. If an employer modifies the accrual method used in the policy it had in place prior to January 1, 2015, the employer shall comply with any accrual method set forth in subdivision (b) or provide the full amount of leave at the beginning of each year of employment, calendar year, or 12-month period. This section does not prohibit the employer from increasing the accrual amount or rate for a class of employees covered by this subdivision.

(3) Notwithstanding any other law, sick leave benefits provided pursuant to the provisions of Sections 19859 to 19868.3, inclusive, of the Government Code, or annual leave benefits provided pursuant to the provisions of Sections 19858.3 to 19858.7, inclusive, of the Government Code, or by provisions of a memorandum of understanding reached pursuant to Section 3517.5 that incorporate or supersede provisions of Section 19859 to 19868.3, inclusive, or Sections 19858.3 to 19858.7, inclusive, of the Government Code, meet the requirements of this section.

(g) (1) Except as specified in paragraph (2), an employer is not required to provide compensation to an employee for accrued, unused paid sick days upon termination, resignation, retirement, or other separation from employment.

(2) If an employee separates from an employer and is rehired by the employer within one year from the date of separation, previously accrued and unused paid sick days shall be reinstated. The employee shall be entitled to use those previously accrued and unused paid sick days and to accrue additional paid sick days upon rehiring, subject to the use and accrual limitations set forth in this section. An employer is not required to reinstate accrued paid time off to an employee that was paid out at the time of termination, resignation, or separation of employment.

(h) An employer may lend paid sick days to an employee in advance of accrual, at the employer's discretion and with proper documentation.

(i) An employer shall provide an employee with written notice that sets forth the amount of paid sick leave available, or paid time off leave an employer provides in lieu of sick leave, for use on either the employee's itemized wage statement described in Section 226 or in a separate writing provided on the designated pay date with the employee's payment of wages. If an employer provides unlimited paid sick leave or unlimited paid time off to an employee, the employer may satisfy this section by indicating on the notice or the employee's itemized wage statement "unlimited." The penalties described in this article for a violation of this subdivision shall be in lieu of the penalties for a violation of Section 226. This subdivision shall apply to employers covered by Wage Order 11 or 12 of the Industrial Welfare Commission only on and after January 21, 2016.

(j) An employer has no obligation under this section to allow an employee's total accrual of paid sick leave to exceed 80 hours or 10 days, provided that an employee's rights to accrue and use paid sick leave are not limited other than as allowed under this section.

(k) An employee may determine how much paid sick leave they need to use, provided that an employer may set a reasonable minimum increment, not to exceed two hours, for the use of paid sick leave.

(l) For the purposes of this section, an employer shall calculate paid sick leave using any of the following calculations:

(1) Paid sick time for nonexempt employees shall be calculated in the same manner as the regular rate of pay for the workweek in which the employee uses paid sick time, whether or not the employee actually works overtime in that workweek.

(2) Paid sick time for nonexempt employees shall be calculated by dividing the employee's total wages, not including overtime premium pay, by the employee's total hours worked in the full pay periods of the prior 90 days of employment.

(3) Paid sick time for exempt employees shall be calculated in the same manner as the employer calculates wages for other forms of paid leave time.

(m) If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable.

(n) An employer shall provide payment for sick leave taken by an employee no later than the payday for the next regular payroll period after the sick leave was taken.

(o) The State Department of Social Services, in consultation with stakeholders, shall convene a workgroup to implement paid sick leave for in-home supportive services providers as specified in this section. This workgroup shall finish its implementation work by November 1, 2017, and the State Department of Social Services shall issue guidance such as an all-county letter or similar instructions by December 1, 2017.

(p) No later than February 1, 2019, the State Department of Social Services, in consultation with the Department of Finance and stakeholders, shall reconvene the paid sick leave workgroup for in-home supportive services providers. The workgroup shall discuss how paid sick leave affects the provision of in-home supportive services. The workgroup shall consider the potential need for a process to cover an in-home supportive services recipient's authorized hours when a provider needs to utilize their sick time. This workgroup shall finish its work by November 1, 2019.

(q) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement, interpret, or make specific this section by means of an all-county letter, or similar instructions, without taking any regulatory action.

(r) Subdivisions (g), (h), (i), (l), (m), and (n) shall preempt any local ordinance to the contrary.

SEC. 3. Section 246.5 of the Labor Code is amended to read:

246.5. (a) Upon the oral or written request of an employee, an employer shall provide paid sick days for the following purposes:

(1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member.

(2) For an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in subdivision (c) of Section 230 and subdivision (a) of Section 230.1.

(b) An employer shall not require as a condition of using paid sick days that the employee search for or find a replacement worker to cover the days during which the employee uses paid sick days.

(c) (1) An employer shall not deny an employee the right to use accrued sick days, discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using accrued sick days, attempting to exercise the right to use accrued sick days, filing a complaint with the department or alleging a violation of this article, cooperating in an investigation or prosecution of an alleged violation of this article, or opposing any policy or practice or act that is prohibited by this article.

(2) There shall be a rebuttable presumption of unlawful retaliation if an employer denies an employee the right to use accrued sick days, discharges, threatens to discharge, demotes, suspends, or in any manner discriminates against an employee within 30 days of any of the following:

(A) The filing of a complaint by the employee with the Labor Commissioner or alleging a violation of this article.

(B) The cooperation of an employee with an investigation or prosecution of an alleged violation of this article.

(C) Opposition by the employee to a policy, practice, or act that is prohibited by this article.

(d) Notwithstanding subdivision (a) of Section 245.5, for purposes of this section, "employee" shall include an employee described in paragraph (1) of subdivision (a) of Section 245.5.

SEC. 4. The Legislature finds and declares that establishing uniform statewide regulation of certain aspects of paid sick leave is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1, 2, and 3 of this act amending Sections 245.5, 246, and 246.5 of the Labor Code apply to all cities, including charter cities.




# California Workers: You have the right to Paid Sick Leave

## Starting January 1, 2024: 40 hours or 5 days per year

**You qualify for paid sick leave from your employer if you worked:**

 <p>At least 30 days with the same employer in the current year.</p>	 <p>90 days with the same employer.</p>	 <p>Full-time, part-time or as a temporary worker.</p>
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**You can use paid sick leave:**

 <p>For treatment, diagnosis or preventative care for yourself or a family member or a designated person.</p>	 <p>By notifying your employer as soon as possible when you need to take paid sick leave. A note from the doctor is not required.</p>	 <p>For at least 40 hours or 5 days per year, whichever is more. Employers can provide additional paid sick leave, but not less than 40 hours or 5 days per year.</p>
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Earning Paid Sick Leave: Employers can provide workers at least 1 hour of paid sick leave for every 30 hours worked, or they can provide all 5 days or 40 hours at the start of each year or 12 month period.

**!** Cities or regions in California may require employers to provide additional sick leave.

**What is 40 hours or 5 days?**

<p>The employer must allow workers to use 40 hours or 5 days, whichever is more.</p>	<p>Example 1: An employee normally works 10-hour days. They have the right to 5 days, or 50 hours, of paid sick leave.</p>	<p>Example 2: An employee normally works 6-hour days. They have the right to 40 hours of paid sick leave.</p>
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**If you were not paid for the sick leave you took, you can file a wage claim.**



Keep track of your hours and pay stubs



Document communication with employer



Contact the Labor Commissioner's Office near you

**It is illegal** for your employer to fire you, reduce your hours or otherwise retaliate against you for asking to use paid sick leave. All workers qualify for paid sick leave, regardless of immigration status. For questions on paid sick leave, retaliation protections, filing a wage claim or retaliation complaint, call the Labor Commissioner's Office 833-LCO-INFO (833-526-4636).

**For more information, visit [www.dir.ca.gov/PaidSickLeave](http://www.dir.ca.gov/PaidSickLeave)**





**Beaumont-Cherry Valley Water District  
Personnel Committee  
January 16, 2024**

Item 6d

STAFF REPORT

**TO:** Personnel Committee  
**FROM:** Ren Berioso, Human Resources Manager  
**SUBJECT: Policies and Procedures Manual Updates/Revisions regarding Policy 3122  
Workplace Violence**

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**Staff Recommendation**

Approve the revisions in 3122 Workplace Violence policy to move forward to the next Board of Directors meeting with the following revisions outline in Table 1, Summary of Policy Changes.

**Executive Summary**

Staff is proposing changes to the current Workplace Violence policy in legal compliance with CA SB 553 effective July 1, 2024. This update includes adding a section in the policy titled “Workplace Violence Response Procedures,” and the District’s ability to file a restraining order in the event of workplace violence. Staff also propose adding Human Resources Department as the body that will oversee the Workplace Violence Prevention Program, staff training, and any incident log and records retention to prevent or mitigate legal risks which may arise from workplace violence.

**Background**

At the February 21, 2023 Personnel Meeting, former Human Resources staff proposed to the Committee a new policy titled Policy No. 3122 Workplace Violence in compliance with California Occupational Safety and Health Act (CalOSHA) and California Workplace Violence Safety Act (CWVS Act). This policy was designed to define workplace violence, application of the said policy, reporting and investigation procedures, and staff training. At the March 15, 2023 Regular Board Meeting, the new policy was adopted by the Board of Directors.

In October 2023, District staff identified CA SB 553, effective July 1, 2024, which requires employers to include in the policy a “Workplace Violence Response Procedures” as well as a department that will oversee the initial and ongoing Workplace Violence Prevention Plan Training. The new law also provides an employer with the capacity to file a restraining order in the event of workplace violence. It is also a legal requirement under this law to utilize an incident log for all violence occurred in the workplace and retain records for a minimum of 5 years.

Staff prepared the draft updates to the approved policy and consulted CalChamber of Commerce and the District’s HR Consultant, HR Dynamics, to ensure that the draft policy aligns with CA SB 533. The proposed policy changes were approved and the draft was subsequently reviewed by Legal Counsel.

**Discussion**

Table 1 outlines the proposed changes to the current Workplace Violence policy in reference to the redline draft version attached.



Table 1 – Summary of Policy Changes

	<b>Policy Section</b>	<b>State / Federal Law requirement</b>	<b>BCVWD current practice</b>	<b>Options to Consider</b>	<b>Fiscal Impact of Option</b>
A	3122.1	<b>SB 553</b> Workplace Violence Prevention Act	District's commitment against workplace violence.	Improved the language of workplace violence and the District's commitment.	No fiscal impact.
B	3122.3	<b>SB 553</b> Workplace Violence Prevention Act	Background of Workplace Violence	Added language that District developed IIPP that includes Workplace Violence Prevention Plan.	No fiscal Impact
C	3122.4	<b>SB 553</b> Workplace Violence Prevention Act	No language of reporting serious incidents resulting from Workplace Violence to OSHA.	Added said language to the policy.	No fiscal impact.
D	3122.7	<b>SB 553, SEC 3. Section 6401.7 (7)(c )</b> Workplace Prevention Program Maintenance and Training	No language as which Department will handle Violence Prevention Training Program for new and incumbent employees.	Moved to section <b>3122.16</b>  Added language to allow Human Resources Department to maintain the training program. HR to oversee the annual evaluation of said program to align with industry standards.	No fiscal impact.
E	3122.11	<b>SB 553, SEC 3. Section 6401.7 (7)</b> Creating Violence Response Procedures / Plan	No language in the current policy.	Added Attachment <b>3122.11.A</b> "Workplace Violence Response Plan" to comply with SB 553 (See attachment)	No fiscal impact.



	<b>Policy Section</b>	<b>State / Federal Law requirement</b>	<b>BCVWD current practice</b>	<b>Options to Consider</b>	<b>Fiscal Impact of Option</b>
F	3122.14	<b>SB 553, SEC 1. Section 527.8 (a)</b> Employer can seek a temporary restraining order on behalf of employee who suffered unlawful violence in the workplace.	Court Orders section did not have language allowing the District to seek temporary restraining order on behalf of employees who suffered unlawful violence in the workplace.	Added language to comply with legal requirement under SB 553.	No fiscal impact.
G	3122.18	<b>SB 553, SEC 3. Section 6401.7 (a)(5)</b> Reporting of Violence and Hazards at the Workplace by Employee.	No language that employees can report any workplace violence to law enforcement without fear of reprisal.	Added language to comply with legal requirement under SB 553.	No fiscal impact.
H	3122.19	<b>SB 553, SEC 3. Section 6401.9</b> Incident Logs and Recordkeeping	No provision in the current policy that the District will use a workplace violence incident log and retain records for a minimum of 5 years.	Added language to comply with legal requirement under SB 553.	No fiscal impact.

**Fiscal Impact:** None.

**Attachments**

1. Redline draft version of 3122 Workplace Violence with Legal Counsel notes.
2. Clean draft version of 3122 Workplace Violence Policy
3. Calchamber discussion on California Senate Bill 553 – Workplace Violence Prevention Program
4. Senate Bill No. 553, Chapter 289 (State of California Authenticated Electronic Legal Material)

Staff Report prepared by Ren Berioso, Human Resources Manager



**POLICY TITLE:   WORKPLACE VIOLENCE**  
**POLICY NUMBER: 3122**

3122.1   The District is committed to creating and maintaining an environment that is safe and secure for its personnel, contractors, and customers, prioritizing their protection and well-being. Intimidation, harassment, threats, and violent acts which create a hostile, or unsafe working environment will not be ignored, condoned or tolerated. free of intimidation, harassment, threats, and violent acts. These actions are prohibited and will not be ignored, condoned, or tolerated. Intimidation, harassment, and other inappropriate behavior that threatens, frightens, or otherwise makes the workplace unsafe are prohibited. Actions-These actions that create a threatening, hostile, or unsafe working environment for others will result in disciplinary action, up to and including termination of employment. Violent threats or actions by an employee or non-employee may result in criminal prosecution.

3122.2   Application. This policy applies to all full-time and part-time employees, including volunteers, temporary or seasonal employees, as well as contracted employees. This policy also applies to all vendors, consultants, and customers on District premises or in communication with District employees. This policy applies to written and verbal communications, as well as physical behaviors such as intimidation or brandishing of weapons. The District prohibits violent behavior of any kind or threats of violence, either implied or direct, on District premises or during District-paid work hours, as well as at District-sponsored events.

3122.3   **Background.** The potential for hostile or violent incidents on District facilities or operational locations always exists. Often, the perpetrator is a person who is a former employee, customer, or person known to the agency involved. However, individuals who commit workplace violence can be any person. Threats, intimidation, and workplace violence are considered extreme emergencies, and the safety and well-being of employees and customers are the highest priority thus, -The District has developed a comprehensive Injury and Illness Prevention Plan (IIPP) which includes a Workplace Violence Prevention Plan.

3122.4   **Reporting.** Employees who experience or become aware of violent workplace behavior, including threats or intimidation, should report the incident to their direct supervisor or to Human Resources as soon as possible. To the extent possible, the District will maintain the confidentiality of the reporting employee and any subsequent investigation, but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety, The District shall also provide evacuation and sheltering plans that are appropriate to the nature of the workplace violence that occurred. The Human Resources Department ~~The District will report all serious incidents of workplace violence to the nearest Cal/OSHA District Office.~~

~~3122.5   **Retaliation.** Employees should bring to the immediate attention of management any threat or unsafe condition within the workplace without concern about retaliation or harassment. Retaliation against a person who makes a good faith complaint regarding violent behavior or threats of violence made is against this policy and will not be tolerated.~~

3122.56   **Suspicious Behavior.** Employees should be alert to their surroundings and report warning signs to his or her supervisor. If the employee perceives an immediate threat to his or her safety, or the safety of others, they should call 911. Warning signs of workplace violence may include:

1. Making direct or implied threats of violence
2. Aggressive outbursts, comments, or excessive displays of anger

3. Verbal abuse
4. Harboring grudges, an inability to handle criticism, or blaming others
5. Chronic, unsubstantiated complaints about persecution or injustice
6. Obsessive intrusion upon others or a persistent unwanted romantic pursuit
7. Erratic, impulsive, or bizarre behavior that generates fear
8. Homicidal or suicidal ideation
9. A high degree of emotional distress
10. Apparent impulsivity and/or low tolerance of frustration
11. Expressing unusual fascination with firearms or asserting ownership of firearms
12. Preoccupation with violence or unusual interest in publicized violent events
13. Identification with criminal individuals, acts, and/or philosophy
14. Any behavior or collection of behaviors that instill fear or generate concern that a person might act out violently

3122.67 Management and supervisory personnel who receive a report of workplace violence will notify Human Resources and the General Manager or his/her appointed designee. Reports of workplace violence will be investigated and if necessary, action will be taken to prevent further occurrence. A Threat Assessment will be conducted to evaluate and investigate the incident.

~~3122.78 Training. Human Resources Department is responsible for implementing this policy and will assure that all Employees, and, as appropriate, Employees of other employers working with the District, will receive Violence Prevention Plan training upon hire and annually thereafter about recognizing and preventing workplace violence. The District will also require the employees' active involvement and commitment to ensure the workplace is free from violence. The Violence Prevention Training Program shall be evaluated and revised regularly annually or as needed to ensure its effectiveness. The District will seek the input and involvement of employees and employee representatives in the annual review of the training program, and this policy.~~

3122.789 **Zero Tolerance.** This is a "Zero Tolerance" policy for actual or threatened violence against employees, contract workers, vendors, customers, visitors, and any other persons who are on District property or come into contact with District personnel in the course of District business.

1. "Zero Tolerance" means that every act or threat of violence elicits an immediate and firm response.
2. Every individual within the organization has a role in ensuring the success of this policy.
3. Supervisors and managers shall respond to inappropriate behavior by employees or others and will assure effective security measures are in place.
4. Compliance with this policy is a condition of employment. An employee who violates the District's prohibition against violence is subject to disciplinary action, up to and including termination.
5. If the source of violent behavior is a member of the public, the response may include barring the person(s) from BCVWD property, termination of business relationships with the individual, and/or prosecution of the person(s).

3122.8940 The following is a non-exclusive list of behaviors that will not be tolerated under this policy:

1. Threats or physical intimidation
2. Implications or suggestions of violence
3. Threats or harm to District property
4. Threatening behavior
5. Assault

6. Physical restraint or confinement
7. Acts of violence
8. Intimidation
9. Harassment
10. Stalking, including following to and from work
11. Possession of weapons of any kind on District premises or at a District sponsored event, excluding District-owned residential homes as permitted by law, and traveling to and from home.
12. Dangerous or threatening horseplay
13. Loud, disruptive, or angry behavior which is clearly not part of the typical work environment
14. Blatant or intentional disregard for the safety and well-being of others
15. Commission of a violent felony or misdemeanor on District premises
16. Any related conduct which disrupts another's work performance or the District's ability to execute its daily business
17. Any other act that a reasonable person would perceive as constituting a threat of violence

3122.9404 Any person who makes threats, exhibits threatening behavior, or engages in violent acts on District property may be removed from the premises pending the outcome of an investigation.

3122.1042 Threats, threatening behavior, or other acts of violence off District property, but directed at BCVWD employees or directed at the public while conducting business for the District, is a violation of this policy.

1. Off-site threats include but are not limited to threats made via telephone, fax, electronic or conventional mail, or any other communication medium.

[3122.11. Workplace Violence Response Plan. Please see attachment Number 3122.11.A under this policy.](#)

3122.123 **Employee Schedules.** No employee of BCVWD will share the work schedule or work location of a District employee with members of the general public. In the event of an emergency, family members who are listed as emergency contacts and/or dependents on health benefits may contact Human Resources to relay a message to an employee. Requests for employment verification will be submitted to Human Resources.

3122.134 **Domestic Violence.** Domestic violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as coworkers. The District recognizes that domestic violence may directly impact employee safety and will take all reasonable measures to ensure employee safety.

3122.145 **Court Orders.** Any employee who receives a protective or restraining court order that lists BCVWD premises as a protected area is required to provide Human Resources and Department Head with a copy of such order. ~~Employees are encouraged, but not required, to share information with their supervisor about court order(s).~~ Court orders may be issued in matters involving domestic violence, stalking or harassment, and include Temporary Restraining Orders. The District can also seek a temporary restraining order on behalf of the employee and any number of employees who has suffered unlawful violence or a credible threat of violence from any individual that can reasonably construed to carried out or have been carried out at the workplace or at other workplaces of the District

3122.156 **Post-Incident.**

1. Injuries incurred as a result of workplace violence may be eligible for Workers' Compensation.

**Commented [RTG1]:** This sentence conflicts with the previous one. The policy should be clear whether sharing the court order is encouraged or required.

**Commented [BR(2R1):** Deleted this part.

2. Following a threatening or violent incident, the District may contact the Employee Assistance Program (EAP) for recommendations. Human Resources may recommend employees receive counseling services through the EAP.

3122.16 Training. Human Resources Department is responsible for implementing this policy and will assure that all Employees, and, as appropriate, Employees of other employers working with the District, will receive Violence Prevention Plan training upon hire and annually thereafter about recognizing and preventing workplace violence. The District will also require the employees' active involvement and commitment to ensure the workplace is free from violence. The Violence Prevention Training Program shall be evaluated and revised annually or as needed to ensure its effectiveness. The District will seek the input and involvement of employees and employee representatives in the annual review of the training program, and this policy.

3122.167 Incident Investigation. Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The General Manager or his/her designee will cause to be initiated an investigation into potential violation of rules/policies. The General Manager or his/her designee may refer the matter to local police for their review of potential violation of civil and/or criminal law. Any employee who experiences or is aware of workplace violence or the threat of violence may report the incident or concern to law enforcement, without fear of reprisal. In appropriate circumstances, the District will inform the reporting individual of the results of ~~the any~~ investigation, and corrective actions taken.

3122.18 Retaliation. Employees should bring to the immediate attention of management any threat or unsafe condition within the workplace without concern about retaliation or harassment. Retaliation against a person who makes a good faith complaint regarding violent behavior or threats of violence is against this policy and will not be tolerated.

3122.19 Recording. The Human Resources Department ~~District~~ will record information in a workplace violence incident log for every ~~workplace violence~~ incident, as required by Labor Code section 6401.9 and shall keep records for a minimum of 5 years. -

3122.20 Reporting. ~~The District will report all serious incidents of workplace violence to the nearest Cal/OSHA District Office.~~

[Note: Under the new workplace violence law, the following information also needs to be included in this policy: how the District will alert employees to the presence, location, and nature of workplace violence emergencies; identification of evacuation or sheltering plans; procedures to identify and evaluate workplace violence hazards]

**POLICY TITLE: WORKPLACE VIOLENCE**  
**ATTACHMENT NUMBER: 3122.11.A**

**WORKPLACE VIOLENCE RESPONSE PLAN**

<p><b><u>Non-Emergency (threatening) Response Procedure</u></b></p> <p><u>A threatening situation is defined as a situation where:</u> One person, through intimidating words or gestures has induced fear and apprehension of verbal or physical harm in another person but there is no immediate danger of such harm being inflicted.</p>	<p><b><u>Emergency Response Procedure</u></b></p> <p><u>A situation is an emergency if:</u> 1) an injury has occurred, OR 2) there is an immediate threat of physical harm</p> <p><b><u>You should consider your personal safety first in all emergency situations. If possible, you should use the following response procedure</u></b></p>
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<p><b><u>Step 1</u></b> <u>Employee immediately notifies supervisor.</u></p>	<p><b><u>Step 1</u></b> <u>First person on the scene quickly assesses the situation and risk.</u></p>
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<p><b><u>Step 2</u></b> <u>Supervisor conducts preliminary inquiry and makes prompt report to Department Head or General Manager.</u></p>	<p><b><u>Step 2</u></b> <u>First person on the scene calls for law enforcement or medical assistance and ensures needs of injured are met. Employee must also notify supervisor of the situation immediately. Leave the scene whenever possible, go to nearest shelter and remain calm while waiting for your supervisor.</u></p>
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<p><b><u>Step 3-a</u></b> <u>If there has been a serious misconduct or criminal behavior by a District employee, the Department Head or General Manager will contact Law Enforcement and take no further action.</u></p>	<p><b><u>Step 3</u></b> <u>Supervisor will immediately assess whether there is an emergency situation and make prompt report to Department Head or General Manager.</u></p>
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<p style="text-align: center;"><b><u>OR Step 3-b</u></b></p> <p><u>If there is no immediate threat of violence and no serious misconduct or criminal behavior by a District employee, the Department Head or General Manager will continue investigation, resolve/mediate matter, initiate disciplinary action, if appropriate and make referrals to EAP and/or HR, as appropriate.</u></p>	<p style="text-align: center;"><b><u>Step 4</u></b></p> <p><u>The Department Head or General Manager, in an emergency situation where there is an immediate threat of violence, will ensure that law enforcement have been notified if not done by the first person. He or she will also alert the District employees present at the site of a possible imminent threat danger, and evacuate employees to a nearest shelter whenever possible until law enforcement arrives.</u></p>
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<p style="text-align: center;"><b><u>Step 4</u></b></p> <p><u>Department Head or General Manager ensures that a written summary report of the incident and all actions taken are prepared and submitted within three business days to Human Resources Department and Law Enforcement.</u></p>	<p style="text-align: center;"><b><u>Step 5</u></b></p> <p><u>Proceed with Non-Emergency Response Procedures, Steps 3-5 as appropriate. For serious injuries or death resulting from workplace violence, HR will report the incident to CalOSHA within 8 hours.</u></p>
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<p style="text-align: center;"><b><u>Step 5</u></b></p> <p><u>If an emergency situation develops, follow steps for emergency response procedure.</u></p>
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POLICY TITLE: WORKPLACE VIOLENCE  
POLICY NUMBER: 3122

## Attachment 2

3122.1 The District is committed to creating and maintaining an environment that is safe and secure for its personnel, contractors, and customers, prioritizing their protection and well-being. Intimidation, harassment, threats, and violent acts which create a hostile, or unsafe working environment will not be ignored, condoned or tolerated. These actions will result in disciplinary action, up to and including termination of employment. Violent threats or actions by an employee or non-employee may result in criminal prosecution.

3122.2 **Application.** This policy applies to all full-time and part-time employees, including volunteers, temporary or seasonal employees, as well as contracted employees. This policy also applies to all vendors, consultants, and customers on District premises or in communication with District employees. This policy applies to written and verbal communications, as well as physical behaviors such as intimidation or brandishing of weapons. The District prohibits violent behavior of any kind or threats of violence, either implied or direct, on District premises or during District-paid work hours, as well as at District-sponsored events.

3122.3 **Background.** The potential for hostile or violent incidents on District facilities or operational locations always exists. Often, the perpetrator is a person who is a former employee, customer, or person known to the agency involved. However, individuals who commit workplace violence can be any person. Threats, intimidation, and workplace violence are considered extreme emergencies, and the safety and well-being of employees and customers are the highest priority thus, The District has developed a comprehensive Injury and Illness Prevention Plan (IIPP) which includes a Workplace Violence Prevention Plan.

3122.4 **Reporting.** Employees who experience or become aware of violent workplace behavior, including threats or intimidation, should report the incident to their direct supervisor or to Human Resources as soon as possible. To the extent possible, the District will maintain the confidentiality of the reporting employee and any subsequent investigation, but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. The District shall also provide evacuation and sheltering plans that are appropriate to the nature of the workplace violence that occurred. The Human Resources Department will report all serious incidents of workplace violence to the nearest Cal/OSHA District Office.

3122.5 **Suspicious Behavior.** Employees should be alert to their surroundings and report warning signs to his or her supervisor. If the employee perceives an immediate threat to his or her safety, or the safety of others, they should call 911. Warning signs of workplace violence may include:

1. Making direct or implied threats of violence
2. Aggressive outbursts, comments, or excessive displays of anger
3. Verbal abuse
4. Harboring grudges, an inability to handle criticism, or blaming others
5. Chronic, unsubstantiated complaints about persecution or injustice
6. Obsessive intrusion upon others or a persistent unwanted romantic pursuit
7. Erratic, impulsive, or bizarre behavior that generates fear
8. Homicidal or suicidal ideation
9. A high degree of emotional distress
10. Apparent impulsivity and/or low tolerance of frustration

11. Expressing unusual fascination with firearms or asserting ownership of firearms
12. Preoccupation with violence or unusual interest in publicized violent events
13. Identification with criminal individuals, acts, and/or philosophy
14. Any behavior or collection of behaviors that instill fear or generate concern that a person might act out violently

3122.6 Management and supervisory personnel who receive a report of workplace violence will notify Human Resources and the General Manager or his/her appointed designee. Reports of workplace violence will be investigated and if necessary, action will be taken to prevent further occurrence. A Threat Assessment will be conducted to evaluate and investigate the incident.

3122.7 **Zero Tolerance.** This is a “Zero Tolerance” policy for actual or threatened violence against employees, contract workers, vendors, customers, visitors, and any other persons who are on District property or come into contact with District personnel in the course of District business.

1. “Zero Tolerance” means that every act or threat or violence elicits an immediate and firm response.
2. Every individual within the organization has a role in ensuring the success of this policy.
3. Supervisors and managers shall respond to inappropriate behavior by employees or others and will assure effective security measures are in place.
4. Compliance with this policy is a condition of employment. An employee who violates the District’s prohibition against violence is subject to disciplinary action, up to and including termination.
5. If the source of violent behavior is a member of the public, the response may include barring the person(s) from BCVWD property, termination of business relationships with the individual, and/or prosecution of the person(s).

3122.8 The following is a non-exclusive list of behaviors that will not be tolerated under this policy:

1. Threats or physical intimidation
2. Implications or suggestions of violence
3. Threats or harm to District property
4. Threatening behavior
5. Assault
6. Physical restraint or confinement
7. Acts of violence
8. Intimidation
9. Harassment
10. Stalking, including following to and from work
11. Possession of weapons of any kind on District premises or at a District sponsored event, excluding District-owned residential homes as permitted by law, and traveling to and from home.
12. Dangerous or threatening horseplay
13. Loud, disruptive, or angry behavior which is clearly not part of the typical work environment
14. Blatant or intentional disregard for the safety and well-being of others
15. Commission of a violent felony or misdemeanor on District premises
16. Any related conduct which disrupts another’s work performance or the District’s ability to execute its daily business
17. Any other act that a reasonable person would perceive as constituting a threat of violence



3122.9 Any person who makes threats, exhibits threatening behavior, or engages in violent acts on District property may be removed from the premises pending the outcome of an investigation.

3122.10 Threats, threatening behavior, or other acts of violence off District property, but directed at BCVWD employees or directed at the public while conducting business for the District, is a violation of this policy.

1. Off-site threats include but are not limited to threats made via telephone, fax, electronic or conventional mail, or any other communication medium.

3122.11. **Workplace Violence Response Plan.** Please see attachment Number 3122.11.A under this policy.

3122.12 **Employee Schedules.** No employee of BCVWD will share the work schedule or work location of a District employee with members of the general public. In the event of an emergency, family members who are listed as emergency contacts and/or dependents on health benefits may contact Human Resources to relay a message to an employee. Requests for employment verification will be submitted to Human Resources.

3122.13 **Domestic Violence.** Domestic violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as coworkers. The District recognizes that domestic violence may directly impact employee safety and will take all reasonable measures to ensure employee safety.

3122.1 **Court Orders.** Any employee who receives a protective or restraining court order that lists BCVWD premises as a protected area is required to provide Human Resources and Department Head with a copy of such order. . Court orders may be issued in matters involving domestic violence, stalking or harassment, and include Temporary Restraining Orders. The District can also seek a temporary restraining order on behalf of the employee and any number of employees who has suffered unlawful violence or a credible threat of violence from any individual that can reasonably construed to carried out or have been carried out at the workplace or at other workplaces of the District

3122.15 **Post-Incident.**

1. Injuries incurred as a result of workplace violence may be eligible for Workers' Compensation.
2. Following a threatening or violent incident, the District may contact the Employee Assistance Program (EAP) for recommendations. Human Resources may recommend employees receive counseling services through the EAP.

3122.16 **Training.** Human Resources Department is responsible for implementing this policy and will assure that all Employees, and, as appropriate, Employees of other employers working with the District, will receive Violence Prevention Plan training upon hire and annually thereafter about recognizing and preventing workplace violence. The District will also require the employees' active involvement and commitment to ensure the workplace is free from violence. The Violence Prevention Training Program shall be evaluated and revised annually or as needed to ensure its effectiveness. The District will seek the input and involvement of employees and employee representatives in the annual review of the training program, and this policy.

3122.17 **Incident Investigation.** Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The General Manager or his/her designee will cause to be initiated an investigation into potential violation of rules/policies. The General Manager or his/her designee may refer the matter to local police for their review of potential violation of civil and/or criminal law. Any employee who experiences or is aware of workplace violence or the threat of violence may report the incident or concern to law enforcement, without fear of reprisal. In appropriate circumstances, the District will inform the reporting individual of the results of any investigation, and corrective actions taken.

3122.18 **Retaliation.** Employees should bring to the immediate attention of management any threat or unsafe condition within the workplace without concern about retaliation or harassment. Retaliation against a person who makes a good faith complaint regarding violent behavior or threats of violence is against this policy and will not be tolerated.

3122.19 **Recording.** The Human Resources Department will record information in a workplace violence incident log for every incident, as required by Labor Code section 6401.9 and shall keep records for a minimum of 5 years.

**POLICY TITLE: WORKPLACE VIOLENCE  
ATTACHMENT NUMBER: 3122.11.A**

**WORKPLACE VIOLENCE RESPONSE PLAN**

<p style="text-align: center;"><b><u>Non-Emergency (threatening) Response Procedure</u></b></p> <p><i>A threatening situation is defined as a situation where:</i></p> <p>One person, through intimidating words or gestures has induced fear and apprehension of verbal or physical harm in another person but there is no immediate danger of such harm being inflicted.</p>	<p style="text-align: center;"><b><u>Emergency Response Procedure</u></b></p> <p><i>A situation is an emergency if:</i></p> <p>1) an injury has occurred, OR 2) there is an immediate threat of physical harm</p> <p><b><i>You should consider your personal safety first in all emergency situations. If possible, you should use the following response procedure</i></b></p>
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<p><b>Step 1</b></p> <p>Employee immediately notifies supervisor.</p>	<p><b>Step 1</b></p> <p>First person on the scene quickly assesses the situation and risk.</p>
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<p><b>Step 2</b></p> <p>Supervisor conducts preliminary inquiry and makes prompt report to Department Head or General Manager.</p>	<p><b>Step 2</b></p> <p>First person on the scene calls for law enforcement or medical assistance and ensures needs of injured are met. Employee must also notify supervisor of the situation immediately. Leave the scene whenever possible, go to nearest shelter and remain calm while waiting for your supervisor.</p>
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<p><b>Step 3-a</b></p> <p>If there has been a serious misconduct or criminal behavior by a District employee, the Department Head or General Manager will contact Law Enforcement and take no further action.</p>	<p><b>Step 3</b></p> <p>Supervisor will immediately assess whether there is an emergency situation and make prompt report to Department Head or General Manager.</p>
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<p style="text-align: center;"><b>OR Step 3-b</b></p> <p>If there is no immediate threat of violence and no serious misconduct or criminal behavior by a District employee, the Department Head or General Manager will continue investigation, resolve/mediate matter, initiate disciplinary action, if appropriate and make referrals to EAP and/or HR, as appropriate.</p>	<p style="text-align: center;"><b>Step 4</b></p> <p>The Department Head or General Manager, in an emergency situation where there is an immediate threat of violence, will ensure that law enforcement have been notified if not done by the first person. He or she will also alert the District employees present at the site of a possible imminent threat danger, and evacuate employees to a nearest shelter whenever possible until law enforcement arrives.</p>
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<p style="text-align: center;"><b>Step 4</b></p> <p>Department Head or General Manager ensures that a written summary report of the incident and all actions taken are prepared and submitted within three business days to Human Resources Department and Law Enforcement.</p>	<p style="text-align: center;"><b>Step 5</b></p> <p>Proceed with Non-Emergency Response Procedures, Steps 3-5 as appropriate. For serious injuries or death resulting from workplace violence, HR will report the incident to CalOSHA within 8 hours.</p>
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<p style="text-align: center;"><b>Step 5</b></p> <p>If an emergency situation develops, follow steps for emergency response procedure.</p>
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## California Workplace Violence Prevention Standards

Until this year, no single law governed how organizations should address the issue of workplace violence.



Read about the new law that takes effect July 1, 2024.

When Governor Newsom signed SB 553 on September 30, 2023, California enacted general industry workplace violence safety requirements that will be applicable to nearly all California employers and is under the California Division of Occupational Safety and Health's (Cal/OSHA) jurisdiction. Under the new law, which takes effect July 1, 2024, covered employers will have a number of new obligations, including:

- Establishing, implementing and maintaining a written "workplace violence prevention plan";
- Training your workforce on your workplace violence prevention plan;
- Utilizing a violent incident log for each instance of workplace violence involving your employees; and
- Record retention.

The law covers all employers in the state of California, with the exception of:

- Health care workers (see "Preventing Violence in Health Care Facilities" in Industry-Specific Workplace Violence Requirements);
- The California Department of Corrections and Rehabilitation;
- Employees who work virtually from a location outside of the employer's control;
- Employers with fewer than 10 employees whose workplace is not open to the public; and
- Law enforcement agencies.

### Defining Workplace Violence Under the Law

Under the law, "workplace violence" is defined as any act of violence or threat of violence that occurs in a place of employment, including:

- The threat or use of physical force directed at an employee with a high likelihood of causing injury, or caused an injury, psychological trauma or stress.
- An incident involving the threat or use of a firearm or a dangerous weapon.

A "threat of violence" is an oral or written statement or any behavioral or physical conduct that conveys, or is reasonably perceived to convey, an intent to cause harm or fear of physical harm with no legitimate purpose. Oral or written statements include text messages, social media messages, and other electronic messages or online posts.



An employee need not suffer an actual injury for the act or threat to constitute workplace violence.

Lawful acts of self-defense or defense of others are not considered workplace violence, and you don't have to comply with this law for those acts.

Like federal OSHA, the new California law differentiates four different types of workplace violence. They are:

- "Type 1 violence," which is committed by a person who has no legitimate business at the worksite and includes violent acts by anyone who enters the workplace or approaches workers with the intent to commit a crime;
- "Type 2 violence," which is directed at employees by customers, clients, patients, students, inmates or visitors;
- "Type 3 violence," which is committed against an employee by a present or former employee, supervisor or manager; and
- "Type 4 violence," which is committed in the workplace by a person who does not work there, but has or is known to have had a personal relationship with an employee.

### Workplace Violence Prevention Plan


Employers subject to the workplace violence prevention standards are required to create, maintain and implement a written workplace violence prevention plan.

This plan may be incorporated as part of your Injury and Illness Prevention Program (IIPP), which all employers are required to create and maintain to communicate with employees about workplace hazards, establish procedures to identify and correct these hazards, and provide employee training whenever you are made aware of a new or previously unrecognized hazard (for more information, see Injury and Illness Prevention Program (IIPP)).


Alternatively, this plan may be a standalone document. In either approach, the plan must be readily available for review by employees, their representatives and Cal/OSHA, and it requires 13 different elements:

1. Names or job titles of the people responsible for implementing the plan. If there are multiple people implementing the plan, their roles must be described in the plan.



-  Consider creating a Crisis Management Team to manage plan implementation and carry out/manage plan requirements. For more information, see "Create a Crisis Management Team" in *Crafting a Workplace Violence Prevention Strategy*.
2. Procedures for obtaining employees' and authorized representatives' input, such as identification or correction of workplace violence hazards, when developing and implementing the plan.
  3. Methods to coordinate the plan with other employers and their employees as needed.
  4. Procedures to accept and respond to reports of workplace violence, and to prohibit retaliation for making a report.
  5. Procedures that ensure that supervisory and nonsupervisory employees comply with the plan, such as rewarding compliance or disciplining for violations.
  6. Procedures for communicating with employees regarding workplace violence matters, including, but not limited to, both of the following:
    - o How an employee can report a violent incident, threat or other workplace violence concern to the employer or law enforcement without fear of reprisal.
    - o How employee concerns will be investigated, and how employees will be informed of the investigation's results and any corrective actions.
  7. Procedures to respond to actual or potential workplace violence emergencies, including, but not limited to, all of the following:
    - o Alerting employees of the presence, location and nature of workplace violence emergencies.
    - o Evacuation or sheltering plans that are appropriate and feasible for the worksite.
    - o Obtaining help from staff assigned to respond to workplace violence emergencies (if any), security personnel (if any) and law enforcement.
  8. Procedures to develop and provide training required under this law. For more information, see "Workplace Violence Prevention Training" in *California Workplace Prevention Standards*.
  9. Procedures to identify and evaluate workplace violence hazards, including, but not limited to, scheduled periodic inspections. Inspections must also be conducted when the plan is first established, after each workplace violence incident, and whenever the employer is made aware of a new or previously unrecognized workplace violence hazard.
  10. Procedures to timely correct workplace violence hazards discovered during inspections.
  11. Procedures for post-incident response and investigation.
  12. Procedures to review the plan's effectiveness and revise it as needed. This includes, but is not limited to, reviewing the plan at least annually, reviewing when a deficiency is observed or becomes apparent, and reviewing after a workplace violence incident.
  13. Any other requirements Cal/OSHA implements.

The plan must be specific to the hazards and corrective measures for each work area and operation. This means employers will have to be very specific as to their different work areas and/or different locations. For example, if an employer has a public facing store front in one location, a warehouse/distribution center in another location and a corporate office in a third location, the employer must address the potential workplace hazards and procedures unique to each location/operation.

-  Cal/OSHA has until December 31, 2025, to propose regulations related to this law and until December 31, 2026, to implement them. At the time of publication, Cal/OSHA had not proposed any regulations.

As part of implementing the plan, employers must record in a violent incident log every incident that falls under the "workplace violence" definition as defined in "Defining Workplace Violence Under the Law" in *California Workplace Prevention Standards*. For more information about recording instances of workplace violence, see "Workplace Violence Prevention Investigation, Recordkeeping" in *California Workplace Prevention Standards*.

## Workplace Violence Prevention Training

Under the new law, employers must conduct training with employees about various aspects of the law both upon the workplace violence prevention plan's initial implementation and annually thereafter. Training must also be conducted when changes to the violence prevention plan are made and/or when a new threat has been recognized by the employer.

The training materials must be appropriate in content and vocabulary, accounting for your workforce's educational level, literacy and language. The training must include materials on:

- The employer's plan, how to obtain a copy of the employer's plan at no cost, and how to participate in development and implementation of the employer's plan;
- The plan's definitions and requirements;
- How to report workplace violence incidents or concerns to the employer or law enforcement without fear of reprisal;
- Workplace violence hazards specific to the employees' jobs, the corrective measures the employer has implemented, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm; and
- The violent incident log and how to obtain copies of records.

Employers are required to maintain employee training records for one year.

Employers may also want to consider implementing first-level supervisor training (see "Implement First-Level Supervisor Training" in *Crafting a Workplace Violence Prevention Strategy*) and abusive conduct training (see "'Abusive Conduct' Training" in *Crafting a Workplace Violence Prevention Strategy*) to supplement the legally required training.

## Workplace Violence Prevention Investigation, Recordkeeping

Employers must investigate all incidents of workplace violence, the results of which must be kept as a log. To comply with this requirement, you may use the *Violent Incident Log*, which is included in your forms download.

Employers must remove identifying and medical information from the log, which must include the following:

- Date, time and location of the incident;

- Workplace violence type or types involved (i.e., Violence type 1, 2, 3 and/or 4, described in Defining Workplace Violence Under the Law on page TBD);
- Detailed description of the incident;
- Information about the perpetrator of the incident (including whether an employee, former employee, person committing a criminal act, significant other to the victim, etc.);
- Type of violent incident, including whether it involved any of the following:
  - Physical attack without a weapon (e.g., punching, kicking, spitting, biting, choking, grabbing or pushing);
  - Attack with a weapon or object (e.g., firearm, knife, etc.);
  - Threat of physical force or threat of the use of a weapon or other object;
  - Sexual assault or threat of sexual assault (e.g., rape, attempted rape, physical display or unwanted verbal or physical sexual contact);
  - Animal attack; or
  - Other conduct;
- Action taken to prevent further harm to others (including security/law enforcement contacted, additional protective mechanisms utilized, etc.).

You must keep for a minimum of five years records of:

- Workplace violence hazard identification, evaluation and correction; and
- The aforementioned workplace violence incident investigations (excluding medical information) and violent incident logs.

You must also keep training records for a minimum of one year. These records must be made available to Cal/OSHA upon request.

These records, except for the investigation records, must be made available to employees and their representatives, upon request and without cost, for examination and copying within 15 calendar days of a request. You do not have to make your investigation records available to employees and their representatives.

Senate Bill No. 553

CHAPTER 289

An act to amend, repeal, and add Section 527.8 of the Code of Civil Procedure, and to amend Section 6401.7 of, and to add Section 6401.9 to, the Labor Code, relating to occupational safety.

[Approved by Governor September 30, 2023. Filed with  
Secretary of State September 30, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 553, 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, commencing January 1, 2025, would also authorize a collective bargaining representative of an employee, as described, to seek a temporary restraining order and an order after hearing on behalf of the employee and other employees at the workplace, as described. The bill would require an employer or collective bargaining representative of an employee, before filing such a petition, to provide the employee who has suffered unlawful violence or a credible threat of violence from any individual an opportunity to decline to be named in the temporary restraining order. Under the bill, an employee's request to not be named in the temporary restraining order would not prohibit an employer or collective bargaining representative from seeking a temporary restraining order on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer. 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 (division) within the Department of Industrial Relations, including the enforcement of standards adopted by the Occupational Safety and Health Standards board (standards board).

This bill would require an employer, as specified, to also establish, implement, and maintain, at all times in all work areas, an effective workplace violence prevention plan containing specified information. The bill would require the employer to record information in a violent incident



log for every workplace violence incident, as specified. The bill would require the employer to provide effective training to employees on the workplace violence prevention plan, among other things, and provide additional training when a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the plan. The bill would require records of workplace violence hazard identification, evaluation, and correction and training records to be created and maintained, and violent incident logs and workplace incident investigation records to be maintained, as specified. The bill would require certain records to be made available to the division, employees, and employee representatives, as specified. The bill would make these requirements operative on and after July 1, 2024.

Existing law requires the division to issue, with reasonable promptness, a citation to an employer if, upon inspection or investigation, the division believes the employer has violated any standard, rule, order, or regulation established pursuant to specified provisions of law. Existing law specifies procedures for issuance of the citation and provides there is a rebuttable presumption that a violation is enterprise-wide if an employer has multiple worksites and the division has evidence of a pattern or practice of the same violation or violations committed by the employer involving more than one of their worksites, or if the employer has a written policy or procedure that violates specified provisions of law, except as provided. Existing law also authorizes the division to impose certain civil penalties pursuant to specified law, including when any employer violates any occupational safety or health standard, order, or special order, depending on whether the violation is serious.

This bill would require the division to enforce the workplace violence prevention plan and related requirements by issuance of a citation and a notice of civil penalty, as specified. The bill would authorize the appeal of a citation and penalty, as specified. The bill would require the division to propose, no later than December 1, 2025, and the standards board to adopt, no later than December 31, 2026, standards regarding the plan required by the bill, as specified.

This bill would also require every employer to include the workplace violence prevention plan as part of their effective injury prevention program, a violation of which is a misdemeanor in specified circumstances. By expanding the scope of a crime, the bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 527.8 of the Code of Civil Procedure added by SB 428 to be operative only if this bill and SB 428 are enacted and this bill is enacted last.

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.

*The people of the State of California do enact as follows:*

SECTION 1. Section 527.8 of the Code of Civil Procedure is amended to read:

527.8. (a) 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, may seek a temporary restraining order and an order after hearing on behalf of the employee and, at the discretion of the court, any number of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.

(b) For purposes of this section:

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

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

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

(4) "Petitioner" means the employer that petitions under subdivision (a) for a temporary restraining order and order after hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Alternatively, the court or its designee shall transmit, within one business day, to law enforcement personnel all information required under

subdivision (b) of Section 6380 of the Family Code regarding any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by either one of the following methods:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

527.8. (a) Any employer or collective bargaining representative of an employee who 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, may seek a temporary restraining

order and an order after hearing on behalf of the employee and, at the discretion of the court, any number of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer. For purposes of this section only, a person may bring a petition for a temporary restraining order and an order after hearing on behalf of an employee as their collective bargaining representative only if the person serves as a collective bargaining representative for that employee in employment or labor matters at the employee's workplace.

(b) For purposes of this section:

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

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

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

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

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

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

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

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



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

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

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

(e) Before filing a petition under this section, an employer or collective bargaining representative of an employee shall provide the employee who has suffered unlawful violence or a credible threat of violence from any individual an opportunity to decline to be named in the temporary restraining order. An employee’s request to not be named in the temporary restraining order shall not prohibit an employer or collective bargaining representative from seeking a temporary restraining order on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) If the law enforcement officer determines that a protective order has been issued but not served, the officer shall immediately notify the respondent of the terms of the order and obtain the respondent's address. The law enforcement officer shall at that time also enforce the order, but may not arrest or take the respondent into custody for acts in violation of the order that were committed prior to the verbal notice of the terms and conditions of the order. The law enforcement officer's verbal notice of the terms of the order shall constitute service of the order and constitutes sufficient notice for the purposes of this section and for the purposes of Section 29825 of the Penal Code. The petitioner shall mail an endorsed

copy of the order to the respondent's mailing address provided to the law enforcement officer within one business day of the reported incident of unlawful violence or a credible threat of violence at which a verbal notice of the terms of the order was provided by a law enforcement officer.

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

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

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

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

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

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

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

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

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

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

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

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

(z) This section shall become operative on January 1, 2025.

SEC. 2.5. Section 527.8 is added to the Code of Civil Procedure, to read:

527.8. (a) Any employer or collective bargaining representative of an employee who has suffered harassment, 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, may seek a temporary restraining order and an order after hearing on behalf of the employee and, at the discretion of the court, any number of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer. For purposes of this section only, a person may bring a petition for a temporary restraining order and an order after hearing on behalf of an employee as their collective bargaining representative only if the person serves as a collective bargaining representative for that employee in employment or labor matters at the employee's workplace.

(b) For purposes of this section:

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

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

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

(4) "Harassment" is a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress.

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

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

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

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

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

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

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

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

(e) Before filing a petition under this section, an employer or collective bargaining representative of an employee shall provide the employee who has suffered harassment, unlawful violence, or a credible threat of violence from any individual, an opportunity to decline to be named in the temporary restraining order. An employee’s request to not be named in the temporary restraining order shall not prohibit an employer or collective bargaining representative from seeking a temporary restraining order on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.

(f) (1) Upon filing a petition under this section, the petitioner may obtain a temporary restraining order in accordance with subdivision (a) of Section 527, if the petitioner also files a declaration that, to the satisfaction of the court, shows one of the following:

(A) Reasonable proof that an employee has suffered unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm would result to an employee.

(B) Clear and convincing evidence of all of the following:

(i) That an employee has suffered harassment by the respondent.

(ii) That great or irreparable harm would result to an employee.

(iii) That the course of conduct at issue served no legitimate purpose.

(iv) That the issuance of the order is not prohibited by subdivision (c).

(2) The temporary restraining order may include any of the protective orders described in paragraph (7) of subdivision (b).

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

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

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

(j) The respondent may file a response that explains, excuses, justifies, or denies the alleged harassment, unlawful violence, or credible threats of violence.

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

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

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

(3) If an action is filed for the purpose of terminating or modifying a protective order prior to the expiration date specified in the order by a party other than the protected party, the party who is protected by the order shall



be given notice, pursuant to subdivision (b) of Section 1005, of the proceeding by personal service or, if the protected party has satisfied the requirements of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified prior to the hearing for modification or termination of the protective order, the court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive their right to notice if they are physically present in court and does not challenge the sufficiency of the notice.

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

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

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

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

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

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

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

(2) If the respondent named in a temporary restraining order is personally served with the order and notice of hearing with respect to a restraining order or protective order based on the temporary restraining order, but the person does not appear at the hearing, either personally or by an attorney, and the terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining order, except for the duration of the order, then the restraining order or protective order issued at the hearing may be served on the person by first-class mail sent

to that person at the most current address for the person available to the court.

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

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

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

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

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

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

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

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

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

(5) At the request of the petitioner, an order issued under this section shall be served on the respondent, regardless of whether the respondent has been taken into custody, by any law enforcement officer who is present at the scene of reported harassment, unlawful violence, or a credible threat of violence involving the parties to the proceedings. The petitioner shall provide

the officer with an endorsed copy of the order and proof of service that the officer shall complete and send to the issuing court.

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

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

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

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

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

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

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

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

(2) A temporary restraining order or order after hearing relating to harassment, unlawful violence, or a credible threat of violence issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact

that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

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

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

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

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

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

(z) This section shall become operative on January 1, 2025.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

specifications of this subdivision, the standard shall not require the employer to keep the records specified in subdivision (d).

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

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

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

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

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

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

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

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

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

(i) When a contractor supplies its employee to a state agency employer on a temporary basis, the state agency employer may assess a fee upon the contractor to reimburse the state agency for the additional costs, if any, of

including the contract employee within the state agency's injury prevention program.

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

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

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

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

(l) Every workers' compensation insurer shall conduct a review, including a written report as specified below, of the injury and illness prevention program (IIPP) of each of its insureds with an experience modification of 2.0 or greater within six months of the commencement of the initial insurance policy term. The review shall determine whether the insured has implemented all of the required components of the IIPP, and evaluate their effectiveness.

The training component of the IIPP shall be evaluated to determine whether training is provided to line employees, supervisors, and upper level management, and effectively imparts the information and skills each of these groups needs to ensure that all of the insured's specific health and safety issues are fully addressed by the insured. The reviewer shall prepare a detailed written report specifying the findings of the review and all recommended changes deemed necessary to make the IIPP effective. The reviewer shall be or work under the direction of a licensed California professional engineer, certified safety professional, or a certified industrial hygienist.

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

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

(1) "Emergency" means unanticipated circumstances that can be life threatening or pose a risk of significant injuries to employees or other persons.

(2) "Engineering controls" mean an aspect of the built space or a device that removes a hazard from the workplace or creates a barrier between the worker and the hazard.

(3) "Log" means the violent incident log required by this section.

(4) "Plan" means the workplace violence prevention plan required by this section.

(5) "Threat of violence" means any verbal or written statement, including, but not limited to, texts, electronic messages, social media messages, or other 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.

(6) (A) "Workplace violence" means any act of violence or threat of violence that occurs in a place of employment.

(B) "Workplace violence" includes, but is not limited to, the following:

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

(ii) An 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 employee sustains an injury.

(iii) The following four workplace violence types:

(I) "Type 1 violence," which means workplace violence committed by a person who has no legitimate business at the worksite, and includes violent acts by anyone who enters the workplace or approaches workers with the intent to commit a crime.

(II) "Type 2 violence," which means workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.

(III) "Type 3 violence," which means workplace violence against an employee by a present or former employee, supervisor, or manager.



(IV) “Type 4 violence,” which means workplace violence committed in the workplace by a person who does not work there, but has or is known to have had a personal relationship with an employee.

(C) “Workplace violence” does not include lawful acts of self-defense or defense of others.

(7) “Work practice controls” means procedures and rules which are used to effectively reduce workplace violence hazards.

(b) (1) Except as provided in paragraph (2), this section applies to all employers, employees, places of employment, and employer-provided housing.

(2) Subject to paragraph (3), the following employers, employees, and places of employment are exempt from this section:

(A) Health care facilities, service categories, and operations covered by Section 3342 of Title 8 of the California Code of Regulations.

(B) Employers that comply with Section 3342 of Title 8 of the California Code of Regulations.

(C) Facilities operated by the Department of Corrections and Rehabilitation, if the facilities are in compliance with Section 3203 of Title 8 of the California Code of Regulations.

(D) Employers that are law enforcement agencies that are a “department or participating department,” as defined in Section 1001 of Title 11 of the California Code of Regulations and that have received confirmation of compliance with the Commission on Peace Officer Standards and Training (POST) Program from the POST Executive Director in accordance with Section 1010 of Title 11 of the California Code of Regulations. However, an employer shall be exempt pursuant to this subparagraph only if all facilities operated by the agency are in compliance with Section 3203 of Title 8 of the California Code of Regulations.

(E) Employees teleworking from a location of the employee’s choice, which is not under the control of the employer.

(F) Places of employment where there are less than 10 employees working at the place at any given time and that are not accessible to the public, if the places are in compliance with Section 3203 of Title 8 of the California Code of Regulations.

(3) Notwithstanding paragraph (1), the division may, by issuance of an order to take special action, require an employer that is exempt pursuant to paragraph (1) to comply with this section or require an employer to include employees or places of employment that are exempt pursuant to paragraph (1) in their compliance with this section.

(c) (1) (A) An employer shall establish, implement, and maintain an effective workplace violence prevention plan.

(B) The plan shall be in writing and shall be available and easily accessible to employees, authorized employee representatives, and representatives of the division at all times. The plan shall be in effect at all times and in all work areas and be specific to the hazards and corrective measures for each work area and operation. The written plan may be incorporated as a stand-alone section in the written injury and illness

prevention program required by Section 3203 of Title 8 of the California Code of Regulations or maintained as a separate document.

(2) The plan shall include all of the following:

(A) Names or job titles of the persons responsible for implementing the plan. If there are multiple persons responsible for the plan, their roles shall be clearly described.

(B) Effective procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the plan, including, but not limited to, through their participation in identifying, evaluating, and correcting workplace violence hazards, in designing and implementing training, and in reporting and investigating workplace violence incidents.

(C) Methods the employer will use to coordinate implementation of the plan with other employers, when applicable, to ensure that those employers and employees understand their respective roles, as provided in the plan. These methods shall ensure that all employees are provided the training required by subdivision (e) and that workplace violence incidents involving any employee are reported, investigated, and recorded.

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

(E) Effective procedures to ensure that supervisory and nonsupervisory employees comply with the plan in a manner consistent with paragraph (2) of subdivision (a) of Section 3203 of Title 8 of the California Code of Regulations.

(F) Effective procedures to communicate with employees regarding workplace violence matters, including, but not limited to, both of the following:

(i) How an employee can report a violent incident, threat, or other workplace violence concern to the employer or law enforcement without fear of reprisal.

(ii) How employee concerns will be investigated as part of the employer's responsibility in complying with subparagraph (I), and how employees will be informed of the results of the investigation and any corrective actions to be taken as part of the employer's responsibility in complying with subparagraph (J).

(G) Effective procedures to respond to actual or potential workplace violence emergencies, including, but not limited to, all of the following:

(i) Effective means to alert employees of the presence, location, and nature of workplace violence emergencies.

(ii) Evacuation or sheltering plans that are appropriate and feasible for the worksite.

(iii) How to obtain help from staff assigned to respond to workplace violence emergencies, if any, security personnel, if any, and law enforcement.

(H) Procedures to develop and provide the training required in subdivision (e).

(I) Procedures to identify and evaluate workplace violence hazards, including, but not limited to, scheduled periodic inspections to identify unsafe conditions and work practices and employee reports and concerns. Inspections shall be conducted when the plan is first established, after each workplace violence incident, and whenever the employer is made aware of a new or previously unrecognized hazard.

(J) Procedures to correct workplace violence hazards identified and evaluated in subparagraph (I) in a timely manner consistent with paragraph (6) of subdivision (a) of Section 3203 of Title 8 of the California Code of Regulations.

(K) Procedures for postincident response and investigation.

(L) Procedures to review the effectiveness of the plan and revise the plan as needed, including, but not limited to, procedures to obtain the active involvement of employees and authorized employee representatives in reviewing the plan. The plan shall be reviewed at least annually, when a deficiency is observed or becomes apparent, and after a workplace violence incident.

(M) Procedures or other information required by the division and standards board as being necessary and appropriate to protect the health and safety of employees, pursuant to subdivision (h).

(d) (1) (A) The employer shall record information in a violent incident log for every workplace violence incident.

(B) Information that is recorded in the log for each incident shall be based on information solicited from the employees who experienced the workplace violence, on witness statements, and on investigation findings. The employer shall omit any element of personal identifying information sufficient to allow identification of any person involved in a violent incident, such as the person's name, address, electronic mail address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the person's identity. The log shall be reviewed during the periodic reviews of the plan required in subparagraph (L) of paragraph (2) of subdivision (c).

(C) For purposes of this section, at a multiemployer worksite, the employer or employers whose employees experienced the workplace violence incident shall record the information in a violent incident log pursuant to subparagraph (A) and shall also provide a copy of that log to the controlling employer.

(2) The information recorded in the log shall include all of the following:

(A) The date, time, and location of the incident.

(B) The workplace violence type or types, as described in clause (iii) of subparagraph (B) of paragraph (6) of subdivision (a), involved in the incident.

(C) A detailed description of the incident.

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

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

(F) A classification of where the incident occurred, such as in the workplace, parking lot or other area outside the workplace, or other area.

(G) The type of incident, including, but not limited to, whether it involved any of the following:

(i) Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.

(ii) Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.

(iii) Threat of physical force or threat of the use of a weapon or other object.

(iv) Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.

(v) Animal attack.

(vi) Other.

(H) Consequences of the incident, including, but not limited to:

(i) Whether security or law enforcement was contacted and their response.

(ii) Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.

(I) Information about the person completing the log, including their name, job title, and the date completed.

(e) (1) The employer shall provide effective training to employees, as specified in paragraphs (2) and (3). Training material appropriate in content and vocabulary to the educational level, literacy, and language of employees shall be used.

(2) The employer shall provide employees with initial training when the plan is first established, and annually thereafter, on all of the following:

(A) The employer's plan, how to obtain a copy of the employer's plan at no cost, and how to participate in development and implementation of the employer's plan.

(B) The definitions and requirements of this section.

(C) How to report workplace violence incidents or concerns to the employer or law enforcement without fear of reprisal.

(D) Workplace violence hazards specific to the employees' jobs, the corrective measures the employer has implemented, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm.

(E) The violent incident log required by subdivision (d) and how to obtain copies of records required by paragraphs (1) to (3), inclusive, of subdivision (f).

(F) An opportunity for interactive questions and answers with a person knowledgeable about the employer's plan.

(3) Additional training shall be provided when a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the plan. The additional training may be limited to addressing the new workplace violence hazard or changes to the plan.

(f) (1) Records of workplace violence hazard identification, evaluation, and correction shall be created and maintained for a minimum of five years.

(2) Training records shall be created and maintained for a minimum of one year and 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.

(3) Violent incident logs required by subdivision (d) shall be maintained for a minimum of five years.

(4) Records of workplace violence incident investigations conducted pursuant to subparagraph (K) of paragraph (2) of subdivision (c) shall be maintained for a minimum of five years. These records shall not contain "medical information," as defined in subdivision (j) of Section 56.05 of the Civil Code.

(5) All records required by this subdivision shall be made available to the division upon request for examination and copying.

(6) All records required by paragraphs (1) to (3), inclusive, shall be made available to employees and their representatives, upon request and without cost, for examination and copying within 15 calendar days of a request.

(g) The division shall enforce this section by the issuance of a citation alleging a violation of this section and a notice of civil penalty in a manner consistent with Section 6317. Any person who receives a citation and penalty may appeal the citation and penalty to the appeals board in a manner consistent with Section 6319.

(h) The division shall propose, no later than December 31, 2025, and the standards board shall adopt, no later than December 31, 2026, standards regarding the plan required by this section. The standards shall include, at a minimum, the requirements of this section and any additional requirements the division deems necessary and appropriate to protect the health and safety of employees.

(i) Subdivisions (b) to (g), inclusive, shall be operative on and after July 1, 2024.

SEC. 5. Section 2.5 of this bill incorporates Section 527.8 of the Code of Civil Procedure proposed to be added by both this bill and Senate Bill 428. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill adds Section 527.8 to the Code of Civil Procedure, and (3) this bill is enacted after Senate Bill 428, in which case Section 2 of this bill shall not become operative.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of

Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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**Beaumont-Cherry Valley Water District  
Personnel Committee Meeting  
January 16, 2024**

Item 7

STAFF REPORT

**TO:** Personnel Committee  
**FROM:** Ren Berioso, Human Resources Manager  
**SUBJECT:** Policy Tracking Matrix Progress Dashboard

**Staff Recommendation**

Approve the policies pending review in the next one to three months identified on Table 3, Policy to Work on for Subsequent Meetings, or to direct staff as desired.

**Background**

At the October 17, 2023 meeting, staff was directed by the Personnel Committee to create a dashboard to outline the progress of the Policies and Procedures Manual updates since year 2021. At the November 21, 2023 meeting, the Personnel Committee approved a dashboard presented by staff which highlights the summary of all policies approved and drafted, and those policies that staff are working on for subsequent meetings.

**Discussion**

**Table 1-Summary of Policy Approval Tracking (All Policies)**

Department	On Matrix	Draft Created	Committee Reviewed Drafts	Board Approved	% Complete
<b>HR</b>	<b>79</b>	<b>73</b>	<b>47</b>	<b>45</b>	<b>56.96%</b>
Finance	13	12	4	4	30.76%
<b>Administration</b>	<b>24</b>	<b>23</b>	<b>6</b>	<b>6</b>	<b>25.00%</b>
IT	19	14	0	0	0.00%
Operations	4	2	0	0	0.00%
Engineering	3	1	0	0	0.00%
<b>TOTALS</b>	<b>142</b>	<b>125</b>	<b>57</b>	<b>55</b>	<b>38.73%</b>

*Note: The sections highlighted are under the purview of the Personnel Committee. The other policies may be subject to the Finance and Audit Committee of the full Board of Directors.*



**Table 2 – Recommended Policies to be Added in the Worksheet**

Item	Policy Subject	Policy Contents

**Table 3 – Policies To Work on for Subsequent Meetings**

Item	Policy No.	Priorities Listed	Draft Size	Selected for Processing	Estimated Committee Presentation
1	3085	Sick Leave	3 pages	December	January
2	3090	Workplace safety/Violence	4 pages	December	January
3	2015	Harassment	2 pages	December	January
4	3070	Holidays	2 pages	December	January
5	3080	Recruitment Selection and Onboarding	10 pages	January	February
6	3155	Personal Vehicle Usage	2 pages	January	February
7	3165	Tobacco Use	2 pages	January	February
8	3170	Smoke Free Workplace	2 pages	January	February
9	3180	Nepotism-Employment of Relatives	2 pages	February	March
10	3240	Dress Code and Personal Standards	4 pages	February	March
11	3180	Personnel Action Form (PAF)	2 pages	February	March
12	3240	Reduction in Force	1 page	February	March

*Numbered for ease of selection and reference, not for level of priority.*

**Fiscal Impact**

There is no financial impact.

**Attachments**

1. Policy Approval Tracking Matrix 1.4.2024

Staff Report prepared by Ren Berioso, Human Resources Manager



**Policy Approval Tracking  
BCVWD Policy Manual Project**

**Item 7 - Attachment 1**

Policy Number	New Policy Number	Section	Policy Name	HR's Recommendation Responsible Department	Drafted by BCVWD Staff	Approved by Legal Counsel	Presented to Personnel Committee	Provisionally Approved by Personnel Committee	Presented to Board of Directors	Approved by Board of Directors	Adoption Date	Resolution Number
N/A	3225	Personnel	Employee Leave Donation Program and Policy	Human Resources	Yes	2019	2019	2019	10/9/2019	10/9/2019	10/9/2019	2019-011
1	1000	General	Definitions	Human Resources	Yes	2/16/2021	2/22/2021	2/22/2021	4/14/2021	4/14/2021	4/14/2021	21-006
2	1005	General	Contractual Provisions	Human Resources	Yes	2/16/2021	2/22/2021	2/22/2021	4/14/2021	4/14/2021	4/14/2021	21-006
N/A	1010	General	Policy Manual	Human Resources	Yes	2/16/2021	2/22/2021	2/22/2021	4/14/2021	4/14/2021	4/14/2021	21-006
3	2000	Administration	Equal Opportunity	Human Resources	Yes	3/15/2021	3/22/2021	3/22/2021	4/14/2021	4/14/2021	4/14/2021	21-006
5	2010	Administration	Access to Personnel Records	Human Resources	Yes	3/15/2021	3/22/2021	3/22/2021	4/14/2021	4/14/2021	4/14/2021	21-006
6	2015	Administration	Harassment	Human Resources	Yes	1/2/2024	1/16/2024					
7	2020	Administration	Sexual Harassment	Human Resources	Yes	3/15/2021	3/22/2021	3/22/2021	4/14/2021	4/14/2021	4/14/2021	21-006
N/A	2025	Administration	Whistleblower Protection	Human Resources	Yes	3/15/2021	3/22/2021	3/22/2021	4/14/2021	4/14/2021	4/14/2021	21-006
8	3000	Personnel	Employee Status	Human Resources	Yes	4/12/2021	7/19/2021	7/20/2021	10/13/2021	10/13/2021	10/13/2021	21-018
N/A	3001	Personnel	Employee Information and Emergency Data	Human Resources	Yes	4/12/2021	6/21/2021	6/21/2021	10/13/2021	10/13/2021	10/13/2021	21-018
N/A	3002	Personnel	Employee Groups	Human Resources	Yes	4/12/2021	5/17/2021	5/17/2021	10/13/2021	10/13/2021	10/13/2021	21-018
9	3005	Personnel	Compensation	Human Resources	Yes	7/13/2021	7/19/2021	7/20/2021	10/13/2021	10/13/2021	10/13/2021	21-018
N/A	3006	Personnel	Prevailing Wage-Public Works Contractor-Employee Relations	Human Resources	Yes	7/13/2021	9/20/2021	9/20/2021	10/13/2021	10/13/2021	10/13/2021	21-018
10 & 49	3010	Personnel	Employee Performance Evaluation	Human Resources	Yes	7/13/2021	9/20/2021	9/20/2021	10/13/2021	10/13/2021	10/13/2021	21-018
11	3015	Personnel	Performance Evaluation-General Manager	Human Resources	Yes	8/3/2021	9/20/2021	9/20/2021	10/13/2021	10/13/2021	10/13/2021	21-018
			Definitions	Human Resources	Additional Edits	6/28/2021	7/19/2021	7/20/2021	10/13/2021	10/13/2021	10/13/2021	21-018
N/A	5095	Operations	District Residences and Facility Emergency Policy	Human Resources	Yes	7/21/2020	6/21/2021	Requested edits, sent to Board for review	Requested Edits 10/13/2021	10/28/2021	10/28/2021	2021-19
			Policy Manual	Human Resources	Additional Edits	Separate Report	N/A	N/A-directed to Board	3/9/2022	3/9/2022	3/9/2022	22-006
13	3025	Personnel	Pay Periods	Human Resources	Yes	10/12/2021	11/15/2021	11/15/2021	5/11/2022	5/11/2022	5/11/2022	22-016
14	3030	Personnel	Gift Acceptance Guidelines	Human Resources	Yes	12/10/2021	4/19/2022	4/19/2022	5/11/2022	5/11/2022	5/11/2022	22-016
15	3035	Personnel	Outside Employment	Human Resources	Yes	10/12/2021	4/19/2022	4/19/2022	5/11/2022	5/11/2022	5/11/2022	22-016
48	3205	Personnel	Substance Abuse (In Conformance with Department of Transportation Guidelines)	Human Resources	Yes	12/6/2021	4/19/2022	4/19/2022	5/11/2022	5/11/2022	5/11/2022	22-016
N/A	3206	Personnel	FMCSA Clearinghouse Registration	Human Resources	No	12/6/2021	4/19/2022	4/19/2022	5/11/2022	5/11/2022	5/11/2022	22-016
12	3020	Personnel	Health and Welfare Benefits	Human Resources	Yes	5/10/2022	5/17/2022	5/17/2022	6/8/2022	6/8/2022	6/8/2022	22-019
27	3100	Personnel	Bereavement Leave	Human Resources	Yes	5/10/2022	5/17/2022	5/17/2022	6/8/2022	6/8/2022	6/8/2022	22-019
19	3055	Personnel	Work Hours, Overtime, and Standby Program	Human Resources	Yes	6/14/2022	7/19/2022	7/19/2022 with revisions	9/14/2022	9/14/2022	9/14/2022	22-028
24	3085	Personnel	Sick Leave	Human Resources	Yes	7/14/2022	8/16/2022	8/16/2022 with revisions	9/14/2022	9/14/2022	9/14/2022	22-028
34	3135	Personnel	Occupational Certification and Education	Human Resources	Yes	6/14/2022	8/16/2022	8/16/2022	9/17/2022	9/17/2022	9/14/2022	22-028
25	3090	Personnel	Family and Medical Leave	Human Resources	Yes	8/31/2022	10/18/2022	Move to Board for discussion, w/ counsel	12/14/2022	12/14/2022	12/14/2022	22-043
26	3095	Personnel	Pregnancy Disability Leave	Human Resources	Yes	9/1/2022	9/20/2022	9/20/2022	12/14/2022	12/14/2022	12/14/2022	22-043
N/A	3096	Personnel	Lactation Accommodation	Human Resources	Yes	8/25/2022	9/20/2022	9/20/2022	12/14/2022	12/14/2022	12/14/2022	22-043
N/A	3111	Personnel	Leave for Crime Victims and Family Members	Human Resources	Yes	9/29/2022	10/18/2022	10/18/2022	12/14/2022	12/14/2022	12/14/2022	22-043
2	5010	Operations	Emergency Response Guideline for Hostile or Violent Incidents	Human Resources	Yes	11/8/2022	11/15/2022	11/15/2022	12/14/2022	12/14/2022	12/14/2022	22-043
22	3075	Personnel	Vacation	Human Resources	Yes	11/8/2022	1/17/2023	1/17/2023	2/8/2023	2/8/2023	2/8/2023	23-005
30	3115	Personnel	Return to Work Policy	Human Resources	Yes	1/11/2023	1/17/2023	1/17/2023	2/8/2023	2/8/2023	2/8/2023	23-005
31	3120	Personnel	Occupational Injury and Illness Prevention Program	Human Resources	Yes	1/11/2023	1/17/2023	1/17/2023	2/8/2023	2/8/2023	2/8/2023	23-005
N/A	3121	Personnel	Infectious Disease Control	Human Resources	Yes	2/2/2023	2/21/2023	2/21/2023	3/15/2023	3/15/2023	3/15/2023	23-09
N/A	3122	Personnel	Workplace Violence	Human Resources	Yes	1/2/2024	1/16/2024					
36	3145	Personnel	Driver Training and Record Review	Human Resources	Yes	3/14/2023	3/21/2023	3/21/2023	4/12/2023	4/12/2023	4/12/2023	23-10

Priority Legend:  
Yellow Highlight = Highest Priority  
Light Blue Highlight = Lowest Priority

**Policy Approval Tracking  
BCVWD Policy Manual Project**

Policy Number	New Policy Number	Section	Policy Name	HR's Recommendation Responsible Department	Drafted by BCVWD Staff	Approved by Legal Counsel	Presented to Personnel Committee	Provisionally Approved by Personnel Committee	Presented to Board of Directors	Approved by Board of Directors	Adoption Date	Resolution Number
32	3125	Personnel	Uniforms and Protective Clothing (will be in Dress Code and Personal Standards)	Human Resources	Yes	3/14/2023	3/21/2023	4/18/2023	5/10/2023	5/10/2023	5/10/2023	23-13
N/A	3230	Personnel	Workers' Compensation	Human Resources	Yes	5/9/2023	5/16/2023	5/16/2023	6/14/2023	6/14/2023	6/14/2023	2023-17
N/A	3231	Personnel	Accommodations for Disability	Human Resources	No	5/9/2023	5/16/2023	5/16/2023	6/14/2023	6/14/2023	6/14/2023	2023-17
17	3045	Personnel	Executive Officer	Human Resources	Yes							
N/A	3003	Personnel	Employment Agreements	Human Resources	Yes	5/10/2022	5/17/2022	Tabled				
16	3040	Personnel	Letters of Recommendation	Human Resources	Yes							
18	3050	Personnel	Volunteer Personnel Workers' Compensation Insurance	Human Resources	Yes							
20	3060	Personnel	Continuity of Service	Human Resources	Yes							
20 (incorrect numbering)	3065	Personnel	Reduction in Force	Human Resources	Yes							
21	3070	Personnel	Holidays	Human Resources	Yes	1/2/2024						
23	3080	Personnel	Pre-Employment Physical Examination	Human Resources	Yes							
28	3105	Personnel	Personal Leave of Absence	Human Resources	Yes							
29	3110	Personnel	Jury and Witness Duty	Human Resources	Yes	10/5/2023	10/17/2023	11/21/2023	12/13/2023	12/13/2023	1/10/2024	
Proposed Addition	3176	Personnel	Transfers and Voluntary Demotion	Human Resources								
Proposed Addition	3177	Personnel	Resignations and Job Abandonment	Human Resources								
33	3130	Personnel	Conferences	Human Resources	Yes							
N/A	3136	Personnel	Succession and Workforce Planning	Human Resources	Yes							
35	3140	Personnel	Respiratory Protection Program	Human Resources	Yes							
37	3150	Personnel	District Vehicle Usage	Human Resources	Yes							
38	3151	Personnel	Personal Vehicle Usage	Human Resources								
39	3160	Personnel	HIPAA Compliance and Security Officer	Human Resources	Yes							
40	3165	Personnel	Tobacco Use	Human Resources	Yes							
41	3170	Personnel	Smoke Free Workplace	Human Resources	Yes							
42	3175	Personnel	Disciplinary Action or Terminations	Human Resources	Yes							
43	3180	Personnel	Nepotism-Employment of Relatives	Human Resources	Yes							
44	3185	Personnel	Confidentiality Regarding Resignations	Human Resources	Yes							
47	3200	Personnel	Grievance Procedures	Human Resources	Yes							
50	3215	Personnel	Personnel Action Form (PAF)	Human Resources	Yes							
51	3220	Personnel	Recruitment, Selection and Onboarding	Human Resources	Yes							
N/A	3235	Personnel	Military Leave	Human Resources	Yes	6/14/2023	8/15/2023	11/21/2023	12/13/2023	12/13/2023	1/10/2024	
N/A	3240	Personnel	Dress Code and Personal Standards	Human Resources	Yes							
N/A	3245	Personnel	Non-Solicitation	Human Resources	No							
N/A	3250	Personnel	Telecommuting	Human Resources	No							
N/A	3255	Personnel	Time off for School Activities	Human Resources	No							
N/A	3260	Personnel	Time off to Vote	Human Resources	No							
1	5005	Operations	Emergency Preparedness	Human Resources	Yes							
4	5020	Operations	Environmental Health and Safety Compliance Program	Human Resources	Yes							
5	5025	Operations	Illness and Injury Prevention Program	Human Resources	Yes							
2	6010	Miscellaneous	Adoption, Amendment of Policies	Human Resources	Yes		N/A	Direct to Full Board				

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**Policy Approval Tracking  
BCVWD Policy Manual Project**

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3	6015	Miscellaneous	Public Complaints	Human Resources	Yes		N/A	Direct to Full Board				
4	6020	Miscellaneous	Claims Against the District	Human Resources	Yes		N/A	Direct to Full Board				

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