



STAFF REPORT

MEETING DATE: June 26, 2024

PRESENTER: John Jansons, Personnel Director
Akayla Cheema, Human Resources Manager

SUBJECT: Workplace Violence Prevention Plan (JAJ & AC)

RECOMMENDATION: Consider adoption of resolution approving Workplace Violence Prevention Plan effective July 1, 2024 and rescinding and superseding Section 8.9 (1-4) of City Personnel Rules and Regulations.

EXECUTIVE SUMMARY:

Pursuant to California Senate Bill 553 (SB 553), which amended Labor Code section 6401.7 and was signed into law on September 30, 2023 requires employers to develop and implement a workplace violence prevention plan in accordance with newly codified Labor Code section 6401.9. This new law mandates that the majority of employers in California must, by July 1, 2024, establish, implement, and maintain a Workplace Violence Prevention Plan. The proposed Plan was submitted to KMEA and Management responded to two of their queries: 1) evaluation of staff, and 2) methods of contact, IE: text, phone, verbal etc., to the satisfaction of KMEA.

DISCUSSION:

The proposed Workplace Violence Prevention Plan (WVPP) prepared by the City includes the following:

- Prohibiting employee retaliation,
- Accepting and responding to reports of workplace violence,
- Employee workplace violence training and communication,
- Emergency response,
- Workplace violence hazard assessments, and
- Other requirements, such as maintaining a Violent Incident Log.

Labor Code section 6401.9 outlines the elements of a workplace violence prevention plan required by section 6401.7 that every covered employer is required to establish, implement, and maintain an effective workplace violence prevention plan. The plan needs to include the following:

- The names of persons responsible for its implementation.
- Effective procedures for employee involvement in developing and implementing the plan.

- Methods to coordinate implementation of the plan with other employers, when applicable.
- Procedures for employers to handle and respond to reports of workplace violence, while ensuring no retaliation against the reporting employee.
- Procedures to ensure compliance from employees, including supervisors.
- Procedures to communicate with employees regarding workplace violence matters.
- Emergency response protocols.
- Training provisions.
- Procedures to identify and evaluate workplace violence hazards that include inspections with the following frequency:
 - When the plan is first set up.
 - Periodically scheduled.
 - After violent incidents.
 - Whenever a new hazard becomes known.
- Procedures to timely correct workplace violence hazards identified and evaluated.
- Procedures for post-incident response and investigation.
- Procedures that allow for plan review
 - Annually.
 - When a deficiency is observed or becomes apparent.
 - After a workplace violence incident.
- Any other procedure necessary for employee health and safety as required by the Division and Standards Board.
- The plan must 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.

Violent incident log requirements:

Employers must maintain a log of all incidents of workplace violence even if the incident did not result in injury. This log must include information on every workplace violence incident, based on employee statements, witness statements, and investigation findings. Incident information must include at least the following:

- Incident date, time, location.
- Workplace violence “Type” (1, 2, 3, and/or 4).
- Detailed description of the incident.
- Classification of who committed the violence.
- The circumstances at the time of the incident.
- Where the incident occurred.
- Specific incident characteristics, such as physical attacks, weapon involvement, threats, sexual assault, animal incidents, or other events.

- What the consequences of the incident were, including any involvement law enforcement.
- What steps were taken to protect employees from further threat or hazards.
- Who completed the log, including their name, job title, and the date completed. Note: Employers must exclude personal identifying information that would identify any person involved in a violent incident

Training employees on workplace violence:

Employers must provide effective training and ensure that training materials are easy to understand and match the workers' education, reading skills, and language.

Employers must provide employees with an initial training and annually thereafter.

The training is required to cover various aspects, including the following:

Familiarizing employees with the plan, how to obtain a copy, and how to participate in the development and implementation of the employer's plan.

- Definitions and requirements of Labor Code section 6401.9.
- How to report workplace violence incidents without fear of retaliation.
- Understanding of job-specific violence hazards and preventive measures.
- Purpose of the violent incident log and how to obtain related records.
- Opportunities for interactive discussions with someone knowledgeable about the employer's plan.
- When new or previously unidentified workplace violence hazards are discovered, or changes are made to the plan, the employer must provide additional training that focuses on the specific hazard or plan modifications.

Employer responsibilities with workplace violence recordkeeping requirements:

The plan must be in writing and easily accessible to employees, authorized employee representatives, and Cal/OSHA representatives.

- Records of workplace violence hazard identification, evaluation, and correction must be created and maintained for a minimum of five years.
- Training records must be created and maintained for a minimum of one year.
- Violent incident logs must be maintained for a minimum of five years.
- Records of workplace violence incident investigations under must be maintained for a minimum of five years.

Amendment of Existing Policy

As a result of adopting the proposed WVPP, Section 8.9 (1-4) of City Personnel Rules and Regulations ("workplace violence") will be rescinded and superseded by the new WVPP.

FISCAL IMPACT:

The fiscal impact of this unfunded mandate is substantial for many cities, but Kerman was able to produce this plan at minimal cost because the City received assistance through membership in the San Joaquin Valley Risk Management Authority.

ATTACHMENT:

- A. Resolution w/Exhibit

ATTACHMENT 'A'

RESOLUTION NO. 24-___

**RESOLUTION APPROVING WORKPLACE VIOLENCE PREVENTION PLAN EFFECTIVE JULY 1, 2024,
AND RESCINDING AND SUPERSEDING SECTION 8.9 (1-4) OF CITY PERSONNEL RULES AND
REGULATIONS.**

WHEREAS, California Senate Bill 553 (SB 553), which amended Labor Code section 6401.7 and was signed into law on September 30, 2023 requires employers to develop and implement a workplace violence prevention plan in accordance with newly codified Labor Code section 6401.9; and

WHEREAS, this new law mandates that the majority of employers in California must, starting July 1, 2024, establish, implement, and maintain a Workplace Violence Prevention Plan; and

WHEREAS, the City has prepared a Workplace Violence Prevention Plan attached hereto as **'Exhibit A'**; and

WHEREAS, the current language contained in the City's Personnel Rules and Regulations dated May 8, 2024 contains workplace violence policy language that is now necessary to be superseded by and replaced by the new Workplace Violence Prevention Plan (WVPP); and

WHEREAS, following approval by the Council, the City will initiate the distribution of the WVPP to all employees; and

WHEREAS, the City will schedule required training on the new WVPP for all employees; and

WHEREAS, the City will develop a plan of WVPP maintenance in accordance with Labor Code Section 6401.9.

NOW, THEREFORE, the City Council of the City of Kerman resolves as follows:

- SECTION 1. The above recitals are true and correct and incorporated herein by reference.
- SECTION 2. The City Council approves The Workplace Violence Prevention Plan (WVPP), attached as **'Exhibit A'** and incorporated by reference.
- SECTION 3. The City Council authorizes the City Manager to make necessary adjustments to the WVPP as needed to remain in conformance with Labor Code Section 6401.9 through the life of the WVPP.
- SECTION 4. This Resolution is effective upon its adoption.

The foregoing resolution was adopted by the Kerman City Council at a regularly scheduled meeting held on the 26th day of June 2024, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Josie Camacho
City Clerk