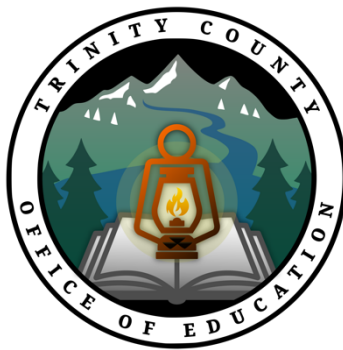


# **WORKPLACE VIOLENCE PREVENTION PLAN (WVPP)**



Trinity County Office of Education

June 2024

Per SB 553 Workplace Violence Prevention Plan (WVPP)  
with references to  
Education Code 32280-32289.5 Comprehensive School Safety Plan (CSSP)  
and SB 906 Homicidal Threats

**Table of Contents**

Preface.....3

Workplace Violence Prevention Plan Trinity County Office of Education.....5

    DEFINITIONS.....5

    REQUIREMENTS.....6

Violent Incident Log.....11

Training.....13

Records.....14

Enforcement.....14

Standards.....14

## Preface

This plan includes the requirements of Senate Bill 553 approved by the Governor and filed with Secretary of State September 30, 2023. See information regarding restraining orders and the Workplace Violence Prevention Plan (WVPP) below.

Per California **Education Codes 32280-32289.5**, school sites are required to maintain and annually update a Comprehensive School Safety Plan (CSSP).

Additionally, **Senate Bill 906 (effective July 1, 2023)** requires school officials whose duties involve regular contact with pupils in any of grades 6 to 12, inclusive, as part of a middle school or high school, and who is alerted to or observes any threat or perceived threat to immediately report the threat or perceived threat to law enforcement, as provided.

The overlap of these codes and requirements are referenced herein.

### SB 553-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.
- Commencing January 1, 2025, a collective bargaining representative of an employee, as described, is authorized 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 employer or collective bargaining representative of an employee, before filing such a petition, is 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. 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. Reference [Senate Bill 553](#) for full details.

**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 (CAL-OSHA "Division") within the Department of Industrial Relations, including the enforcement of standards adopted by the Occupational Safety and Health Standards board (standards board).

**Effective on and after July 1, 2024**, Employers, as specified, are required to:

- establish, implement, and maintain, at all times in all work areas, an effective workplace violence prevention plan containing specified information
- record information in a violent incident log for every workplace violence incident, as specified
- 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
- create and maintain records of workplace violence hazard identification, evaluation, and correction and training and violent incident logs and workplace incident investigation records, as specified
- make certain records available to the division, employees, and employee representatives, as specified
- include the workplace violence prevention plan (WVPP) as part of their effective injury prevention program (IIPP), a violation of which is a misdemeanor in specified circumstances.

In addition, Employers are authorized to appeal a citation and penalty, as specified.

CAL OSHA, the Division:

- is required 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
- adheres to specific procedures for issuance of the citation
- 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
- is authorized 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
- is required to enforce the workplace violence prevention plan and related requirements by issuance of a citation and a notice of civil penalty, as specified
- is required 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 Senate Bill 553, as specified.

In accordance with Section 6401.9 of the Labor Code, this Workplace Violence Prevention Plan fulfills the requirements of Senate Bill 553 (effective July 1, 2024).

# Workplace Violence Prevention Plan

## Trinity County Office of Education

### DEFINITIONS

(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) “Workplace violence”

(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. This includes parents, vendors and contractors.

**(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.

The following employers, employees, and places of employment are exempt from this section:

- Employees teleworking from a location of the employee's choice, which is not under the control of the employer.
- 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.

## REQUIREMENTS

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 is maintained as a separate document.

The District Workplace Violence Prevention Plan is located in the main office of the TCOE Office at the front desk near the Injury and Illness Prevention Program (IIPP) in addition to being available digitally.

The plan includes all of the following:

(A) Names and/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.

Name:	Jeff Morris
Title:	Safety Advisor
Phone number:	530-623-2861 ext. 224
Description of role and responsibility:	Manages TCOE Safety Plan / Committee

Name:	Melanie Holmes
Title:	Executive Director of HR & Business Services
Phone number:	530-623-2861 ext. 225
Description of role and responsibility:	HR Lead for TCOE

Name:	Fabio Robles
Title:	Trinity County Superintendent of Schools
Phone number:	530-623-2861 ext. 226
Description of role and responsibility:	Elected Official

(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.

The District actively involves employees and authorized employee representatives in developing and implementing this plan and the Comprehensive School Safety Plan (CSSP) by:

- inclusion in safety meetings (e.g. Injury and Illness Prevention Program, Site Safety Team, safety information review with staff, safety drill debriefs)
- making the plan available to staff which includes information about reporting violence and threats
- inclusion in conducting site safety evaluations
- debriefing of incidents (with considerations of confidentiality)
- providing training

(C) Without fear of reprisal, district employees, other employers and their employees are to report violent incidents, threats, or other workplace violence concerns to the district contact below or law enforcement. When applicable, the District will share information with other employers and their employees. Other employers and their employees' respective roles include participation in the Workplace Violence Prevention Plan for reporting, investigation and recording incidents.

(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.

Employees are to report workplace violence to the person(s) identified in item (A). Person(s) identified in item (A) will investigate reports. Retaliation will be prohibited by including that information in the plan, in employee training and retraining programs, in follow-up as part of an investigation and possible disciplinary action.

This also satisfies Senate Bill 906. SB 906 (effective July 1, 2023) requires school officials whose duties involve regular contact with pupils in any of grades 6 to 12, inclusive, as part of a middle school or high school, and who is alerted to or observes any threat or perceived threat to immediately report the threat or perceived threat to law enforcement, as provided.

(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, which states:

“(a) (2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.

The District ensures compliance with the plan by:

- Providing training and information to staff at various times such as, but not limited to, upon hire, annually or in periodic review as needed
- Encouraging reporting to the person(s) identified in item (A)
- making the plan available to staff which includes information about reporting violence and threats
- inclusion in conducting site safety evaluations
- debriefing of incidents (with considerations of confidentiality)

- posting plan information at the TCOE front Desk
- [other if applicable]”

(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.

**In an emergency, call 9-1-1.**

**To report a concern or workplace violence incident through any/all of the following methods:**

- Contact your direct supervisor
- Contact your HR Department, Business Manager or Superintendent
- Visit your district website/safety section to report a concern using the [Workplace Violence Report form](#)

The District communicates with employees about workplace violence matters:

- Employees are instructed to report workplace violence to the person(s) identified in item (A) in training, via periodic reminders and signage placed near employee labor law posters.

(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).

Employee concerns will be investigated as part in compliance with subparagraph (I), which states:

“Procedures to identify and evaluate workplace violence hazards, include, but are 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.”

And with subparagraph (J), which states:

“The District procedures to correct workplace violence hazards [insert from Injury and Illness Prevention Program (IIPP)].”



(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.

The District alerts employees about workplace violence emergencies via various communication methods including but not limited to public address (PA) system, instant messaging system, in-person or online meetings, phone call, and via the Bright Arrow system.

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

Evacuation and sheltering plans are described in the Comprehensive School Safety Plan (CSSP) available to all employees on the TCOE website and also via QR code in each office space.

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

**In an emergency, call 9-1-1.**

To obtain help from staff assigned to workplace violence, contact those listed in (F)(i) above.

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

The District provides all staff with information included in the Workplace Violence Prevention Plan, in SB 906-Homicidal Threats and, for school sites, the Comprehensive School Safety Plan (CSSP) via email, meetings/trainings and via the website and QR codes noted above.

Training is provided in meetings (in-person or online) and/or via online course assignment.

(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.

The District procedures to identify and evaluate workplace violence hazards outlined in the Injury and Illness Prevention Plan (IIPP) that is available at the front desk and on the TCOE website.

Procedures to identify and evaluate workplace violence hazards, include, but are 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.

The District procedures to correct workplace violence hazards are outlined in the Injury and Illness Prevention Plan (IIPP) that is available at the front desk and on the TCOE website.

(K) Procedures for post incident response and investigation.

Investigation includes but is not limited to information solicited from the employees who experienced workplace violence, witness statements, and investigation findings. The District will 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.

(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.

The District reviews the plan:

- 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), which states:

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.

## Violent Incident Log

### (1) Recording each incident

(A) The District records every workplace violence incident in a violent incident log.

(B) Information that is recorded in the log for each incident shall be based on information solicited from the employees who experienced 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).

The District reviews the plan:

- annually,
- when a deficiency is observed or becomes apparent and
- after a workplace violence incident

(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 includes 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.

(H) Information about the person completing the log, including their name, job title, and the date completed.

## Training

- (1) The District provides effective training to employees, as specified in paragraphs (2) and (3). Per the Division, training material appropriate in content and vocabulary to the educational level, literacy, and language of employees is used.
- (2) The district provides employees with initial training when the plan is first established, and annually thereafter, on all of the following:
  - (A) The district'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 district's plan is available to employees via the TCOE website and is kept near the Injury and Illness Prevention Plan (IIPP).
  - (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.

## Records

- (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.

## Enforcement

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.

## Standards

CAL OSHA “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.