From: Jennifer Serran
To: DIR RS
Subject: comment on the revised draft standard for Workplace Violence Prevention
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Hello,
This comment is submitted in my individual capacity as a risk manager for schools. I have supported school districts for several years and help with compliance matters. The focus of this letter is regarding Subsection (b)(10) - the hazard-factor list should not function as a per se hazard finding.
Subsection (b)(10) of the draft currently reads:
"(10) 'Workplace violence hazards' means workplace conditions that may increase the risk of a workplace violence incident at the workplace. Factors to consider when identifying workplace violence hazards include, as applicable, but are not limited to:
(A) Employees working alone or in locations isolated from other employees;
(B) Areas with poor illumination or blocked visibility (e.g. blind spots) of surrounding areas;
(C) Entries to places of employment where unauthorized access can occur;
(D) Work locations, areas, or operations that lack effective escape routes;
(E) Exchange of money or valuable goods;
(F) Frequent or regular contact with the public;
(G) Uncontrolled public access;
(H) Working late at night or early morning;
(I) Inadequate staffing;
(J) Lack of or inadequate security staffing;
(K) Selling, distributing, or providing alcohol, marijuana, or pharmaceutical drugs."
This list is then operationalized by subsections (c)(9) and (c)(10), which require employers to identify, evaluate, and correct "workplace violence hazards":
"(9) Effective 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 and authorized employee representative reports and concerns. …"
"(10) Effective procedures to correct workplace violence hazards identified and evaluated in subsection (c)(9) in a timely manner … (A) Engineering and work practice controls appropriate for the workplace shall be implemented to eliminate or minimize employee exposure to identified workplace violence hazards to the extent feasible."
Read together, these provisions invite the conclusion that the mere presence of a listed factor - a single site custodian working alone, a front-office employee who handles registration payments, or any position with regular public contact, which describes most positions in a school - is itself a hazard requiring correction, regardless of whether reasonable controls already address the associated risk. None of these conditions is inherently unsafe; each is a routine, often unavoidable feature of school operations that only becomes a hazard when it is not adequately mitigated.
The Board has already applied the correct distinction once in this same draft. 'Stalking' was removed from an earlier version of this hazard list, with the explanatory note stating:
"Stalking was removed based on stakeholder comments that stalking is an example of workplace violence and is not a workplace violence hazard. It will be listed in a future Cal/OSHA guidance document along with other examples of workplace violence."
We ask the Board to apply that same reasoning to the remainder of the (b)(10) list: a condition that describes when or how violence tends to occur is not the same thing as a hazard that a plan has failed to correct.
The draft's own Violent Incident Log provision, at subsection (d)(3)(E), already treats these same conditions the way we are asking (b)(10) to treat them — as descriptive circumstances observed at the time an incident occurred, not as a prospective checklist:
"(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, working in an unfamiliar or new location, or other circumstances."
Subsections (b)(10) and (d)(3)(E) describe nearly identical conditions but use them for opposite purposes - one as a prospective hazard-finding trigger, the other as a retrospective, contextual classification. We ask the Board to resolve that inconsistency in favor of the (d)(3)(E) approach: these factors should inform a genuine risk assessment, not stand in as an automatic hazard determination.
Requested revision
We request that the Board add a qualifying sentence to the introductory clause of subsection (b)(10):
"The presence of one or more of the following factors does not, by itself, constitute a workplace violence hazard requiring correction under subsection (c)(10). Each factor shall be evaluated in light of existing engineering and work practice controls at the time of the hazard assessment required by subsection (c)(9), consistent with the classification of circumstances recorded under subsection (d)(3)(E)."

In the alternative, we ask that any forthcoming Cal/OSHA guidance document - of the kind referenced for stalking - expressly clarify, with concrete examples, that working alone, handling money, and regular public contact are not per se hazards, and that a hazard finding requires an assessment of whether existing controls adequately address the risk the condition presents.

Why this matters in practice

Without this clarification, employers - particularly public employers like school districts operating dozens of sites with limited safety staff - face a choice between over-documenting "corrective actions" for routine conditions that were never actually unsafe, diluting attention from genuine hazards, or risking a citation for failing to "correct" a listed factor that was never a hazard to begin with. Neither outcome serves the purpose of the statute.

We appreciate the Board's continued engagement with stakeholders on this draft and welcome the opportunity to discuss further.

Respectfully sharing concerns from School Risk Management experience,

Jennifer Serran