



July 14, 2025

Eric Berg
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1515 Clay Street
Suite 1901
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**RE: Proposed Regulations for Implementation of Workplace Violence Prevention
Under Senate Bill 553 (Cortese, 2023) – May 13, 2025, Working Draft**

Dear Deputy Chief Berg,

The California State Association of Counties (CSAC), Association of California School Administrators (ACSA), and California Special Districts Association (CSDA) appreciate the opportunity to provide input on the draft proposed regulations well before they are considered by the Occupational Safety and Health Standards Board (OSHSB). We extend our thanks to the staff and leadership for your efforts to make the process inclusive and transparent.

Local government agencies and local educational agencies value our workforce and take our responsibilities to protect their health and safety as an imperative duty. Due to several concerns, including the expansion of temporary restraining order (TRO) filing authority and administrative burdens that cannot be recouped through cost recovery, local governments opposed Senate Bill 553 (Cortese, 2023). Our deliberation of SB 553 yielded some changes from the original version, some of which were absolutely critical. Regrettably, some of these provisions have returned in the proposed regulations.

Local governments and schools have a duty to provide essential public services, and our workforce must conduct their work in a variety of environments, some of which have increased risk than others due to the nature of our work. Local governments and schools already work constantly to mitigate those hazards and take actions necessary to keep our workforce safe. We have general concerns about policies that raise legal risks for local governments that are simply trying to provide essential public services. These concerns are heightened by an environment in which we face budget crises at the state and local level, limitations in our ability to raise revenue needed to meet heightened service delivery expectations, and crushing legal liabilities brought by recently enacted legislation, leading to fiscal pressures of both legal expenses and insurance costs.

With those thoughts in mind, we share the following comments on the version of the proposed regulations posted on May 13, 2025. We look forward to future opportunities to share our perspective on these regulations throughout this year and during formal rulemaking.

§3343(a)(1)

Exception 6 would apply to employers with fewer than 10 employees and are in compliance with section 3203 whose places of employment are not accessible to the public. Additional language notes that the exception does not apply to “security services,” among others. We request additional clarity to define the meaning of security services for this purpose, as some local agencies and local educational agencies have in-house security.

§3343(b)(3)(I)

This draft of the proposed regulations would add “visibility improvements,” to the list of engineering controls. We would like to note that the legislature is presently considering legislation to push back on the use of cameras in certain highly-populated parts of workplaces, including break rooms and cafeterias.¹ We are greatly concerned that, if enacted, this legislation would slow response times for all types of violence under the Standard, but particularly Type 3 violence—and contradict the requirements of this definition.

To the extent that such legislation contradicts the Division’s policy goals of improving visibility and removing blind spots in workplaces, employers will be stuck in the middle of conflicting goals in statute and regulation. We would urge the Division to take note of, and consider engagement in, that legislative conversation. If the bill passes as written, the Division would need to consider how the regulations could accommodate legislation that restricts our ability to address visibility issues in preventing workplace violence.

§3343(b)(6)(C) & §3343(d) – Violence Incident Log

We appreciate the addition of a clarifying note in response to the concerns we shared previously that this section could require local agencies and schools to log any threat made online for local officials. While we take any threat of violence against public officials seriously, we were concerned that the regulations could set up local agencies to fail by requiring them to find *all* public threats made and log them accordingly. We would, however, like to see an adjustment to the language to account for threats made by the public at large, as the note speaks only to threats made by employees.

¹ AB 1331 (Elhawary) effectively prohibits the use of cameras in break rooms or cafeterias as of the date of this letter by requiring that such cameras cannot be monitored by the employer, and the footage cannot be recalled unless an employee in the footage requests the footage, or law enforcement requests it. This effectively prohibits live monitoring of potential workplace violence scenarios in such areas.

To that end, the note should read as follows:

NOTE: The employer is not responsible for employee's texts, electronic messages, or personal social media that are not brought to the attention of the employer or that the employer could not otherwise be reasonably aware of.

§3343(c)(6) – Concerns with addition of authorized employee representatives to those who are informed about investigations

We continue to have concerns with the addition of “authorized employee representative,” to this section. Unlike statute, the proposed regulations would require employers to inform employee representatives, in addition to employees, about the results of workplace violence investigations. We believe this addition goes outside of the scope of the law and have concerns that it could challenge the ability for employers to maintain confidentiality in reporting on workplace violence investigations.

We believe this concern is best addressed by simply striking the addition of “authorized employee representatives,” from the section. Employee representatives are already well engaged in the process to update the plans to reflect new or growing threats to workplace safety and incident logs are available for review to meet this purpose.

§3343(c)(9) – Changes needed to limit liability to public employers who are not aware of a hazard

Section 6401.9(c)(2)(I) requires employers to include in their workplace violence prevention plan procedures to, among other things, inspect workplace violence hazards whenever the employer is “made aware,” of a new or previously unrecognized hazard. The proposed regulations in §3343(c)(9) lack any similar language that would require an employer to have been aware of a new hazard, and, instead, requires inspections when there are simply changes in the workplace that “represent a new hazard.”

Without the critical language that employers must be “made aware,” of a new hazard, we worry that this section sets public employers up for failure to be aware of unknown hazards.

Definitions of Workplace Violence Hazards – §3343(b)(3), (8), and (9)

Serving the public and delivering essential services inherently requires public employees to conduct their work in the presence of many of the factors included in this section. The nature of their work may require employees to conduct their work alone, in the presence of the public, and late at night or early in the morning. Further, many public employers are required by law to have their worksites provide open access to the public and many public employers go above and beyond those requirements out of a duty to ensure their work is open to public scrutiny.

Without the recent amendments, this section would have effectively categorized the work of librarians, waste collection, search and rescue services, child and adult protective services, teachers, benefit administration, elections officials and volunteers, and so many other forms of essential public services to be a workplace hazard that requires correction.

We appreciate the additions made that clarify that not all workplace violence controls are applicable to all workplaces or hazards. We do, however, believe that this language could be improved by including language noting that these are “factors to consider when identifying” workplace violence hazards. Our concern is that listing items implies that their presence compels public agencies to correct those hazards – which, for the reasons we explained earlier, naturally arise in the work of public agencies.

Additionally, we continue to have concerns regarding the inclusion of staffing as a “work practice control.” We believe this addition goes well beyond the categories of work practice controls established in statute and creates an unworkable obligation for public agencies. Public agencies are required to provide essential public services and deliver state mandated programs with minimal resources and cannot easily reassign employees due to memorandums of understanding with employees.

Furthermore, there is no definition in the regulations about what may be appropriate staffing, leading public employers to navigate an undefined, unclear, and expensive mandate that would add to the workforce recruitment and retention challenges faced by all levels of government in California.

We believe these concerns are best addressed by removing “and staffing,” from the first sentence in the paragraph and “appropriate staffing levels,” from the following sentence.

§3343(c)(11)(C)

We appreciate the clarification that trauma counseling offered to an employee through worker’s compensation, as well as employee assistance programs, satisfy the requirement for individual trauma counseling.

§3343(c)(11)(G)

We believe this language is appropriate. Any post-incident response should naturally rely on discussing the incident with employees involved and using their observations to evaluate workplace controls and opportunities to improve workplace violence mitigation. We note that there are two bills currently moving that could severely restrict the ability of employers to conduct this post-incident investigation: AB 340 (Ahrens) and AB 1109 (Kalra). AB 340 would prohibit employers from questioning employees or employee representatives about certain communications made in confidence between the employee

and their representative, while AB 1109 would create an evidentiary privilege for similar communications.

Should either bill be signed into law, this section would need to be reconsidered in order to avoid compelling employers from violating those laws in response to requirements established in these regulations.

§3343(f)(6)

This section would require agencies to provide personal identifying information to the division upon request. We note that pending legislation, AB 1337 (Ward), would make this action illegal, as the sharing of data would not “further the purpose,” for which the data were collected. Should that law take effect, this section would need to be reconsidered and amended to avoid compelling agencies to violate the law.

Thank you again for the opportunity to provide comments on the draft proposed regulations. We appreciate the efforts of Cal/OSHA and its staff to solicit the input of impacted employers and hope that our comments help shape regulations that ensure our workers are safe without exposing public agencies to unnecessary administrative burdens or legal risk.

Sincerely,



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