Graulich, Kevin@DIR

From: Craig Kappe <craig.kappe@metroports.com>
Sent: Thursday, March 29, 2018 9:18 AM
To: Graulich, Kevin@DIR
Cc: Jeffrey Cooper
Subject: Proposed Workplace Violence Prevention - General Industry

The following are comments concerning the draft Section 3343 - Proposed Workplace Violence Prevention Plan.

While a Workplace Violence Prevention Plan (WVPP) may be advisable for certain employers and industries, it is extremely onerous to impose this type of regulation across the board to all employers, no matter the size. To require all industries to comply to regulations where very few, if any WVPP hazards have happened in the past is not only unnecessary, but onerous as well. WVPP is already covered by the IIPP regulations, as those industries that already have a WV hazard are required by the IIPP to identify and implement preventive measures for such a hazard.

Metropolitan Stevedore Company dba Metro Ports is an employer in the Maritime/Longshoring industry. The Maritime/Longshoring industry employs hundreds of casual labor out of dispatch halls to fill their daily shift requirements. In addition, thousands of outside truckers enter the terminals on a daily basis, as well as vendors and vessels that berth at the facilities. In order for any of these individuals to be allowed access to the terminal, they must possess a Transportation Workers Identification Card (TWIC) which is issued to them after thorough vetting by the Transportation Security Administration (TSA). Security guards are also posted at entrances to confirm the possession of a TWIC before allowing entry into the facility.

The proposed WVPP requires the employer to establish, implement and maintain an effective Plan. No matter how the plan is written, implemented and trained; if something occurs, no matter how minor, the Plan would be considered ineffective and therefore citable. It is impossible to know what is in the mind and heart of every individual that walks into a workplace. Even professional profilers get it wrong sometimes. Law enforcement has stated that many of the past occurrences of workplace violence were impossible to prevent. To expect an employer and their employees to be able to recognize all workplace violence hazards is not possible.

3343 (c)(2) requires effective procedures to obtain active involvement of employees in all aspects of developing and implementing the plan. At many of our facilities, those employees are dispatched daily, as mentioned above. It is not possible for this type of employee to be able to effectively assist in the development and implementation of the Plan.

3343(c)(3) requires the employer to describe the methods used to coordinate the Plan with other employers whose employees work in the same workplace. As discussed above, hundreds of truckers access our terminals on a daily basis, A large majority of these are independent truckers and many are there infrequently. How can they be effective is assisting in the development of the Plan? What about vessels that call at a port? How do you coordinate with these that may only call at your facility once?

3343(d)(1) requires that all employees be provided initial training when the plan is established and when an employee is newly hired. As discussed above, the large majority of our labor is casual – dispatched daily per shift to our facilities. How are we expected to train every one, every day, on every shift?

3343 (c)(8) wants procedures to "identify and evaluate workplace violence "hazards". These "hazards" are not physical in nature but primarily emotional. We are not psychologists and therefore have no experience or expertise in determining this type of hazard.

We believe that the background vetting already conducted by the TSA in the issuance of a TWIC is the most effective WV tool available. Government background checks reveal if a particular person has a history of violent behavior, which can disqualify the individual from receiving a TWIC and access to our facilities. Any other actions, such as those contemplated in the WVPP, would not be practical for our industry and would likely not be effective.

Regards,

Craig Kappe
Manager of Safety, Security & Environmental Compliance

(310) 816-6607 Office
(310) 877-0810 Mobile
craig.kappe@metroports.com

METRO

Our mission is, if you work with us, you go home safe.