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SB-363 Workplace safety. (2019-2020)

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PASSED IN SENATE SEPTEMBER 11, 2019

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AMENDED IN ASSEMBLY SEPTEMBER 06, 2019

AMENDED IN SENATE APRIL 08, 2019

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CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

SENATE BILL

NO. 363

Introduced by Senator Pan

February 20, 2019

An act to add Section 6401.9 to the Labor Code, relating to workplace safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 363, Pan. Workplace safety.

(1) Existing law generally grants to the Division of Occupational Safety and Health jurisdiction over every employment and place of employment necessary to adequately enforce and administer all laws, standards, and orders. Existing law creates the Occupational Safety and Health Standards Board and, among other things, requires it to adopt standards developed by the division relating to workplace violence prevention plans at hospitals.

This bill would require the State Department of State Hospitals, the State Department of Developmental Services, or the Department of Corrections and Rehabilitation to report the total number of assaults against employees at each facility operated by the respective department quarterly, as specified, to all the state bargaining units at the department. The bill would require that each department also report this information to the Legislature and the chairs of certain committees annually, as specified. The bill would prescribe the information to be reported and would require that the information protect the confidentiality of certain parties. The bill would define terms for the purposes of these provisions.

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 6401.9 is added to the Labor Code, to read:

6401.9. (a) For purposes of this section, the following definitions apply:

(1) "Assault" means a physically aggressive act to staff, including hitting, pushing, kicking, or other acts directed against a staff person that could cause potential or actual injury.

(2) "Facilities" means:

(A) For the State Department of State Hospitals, the five state hospitals operated by the department.

(B) For the State Department of Developmental Services, any licensed facility that it operates, including a developmental center, intermediate care facility/developmentally disabled ICF/DD, or community care facility.

(C) For the Department of Corrections and Rehabilitation, any correctional facility under the jurisdiction of the department, but not including adult or juvenile fire camps.

(b) The State Department of State Hospitals, the State Department of Developmental Services, or the Department of Corrections and Rehabilitation shall report quarterly the total number of assaults against employees. Each department shall report this information to all bargaining units at the department within 30 calendar days at the end of the quarter. Each department shall report this information to the Legislature and the chairs of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget annually, within 30 days after December 31, with a department's first report to be provided in January 2021. The information reported shall include the date of the assault, job classification of any affected represented employee, the employee's state bargaining unit designation, and the name of the facility at which the incident occurred. The information shall be reported in a manner that appropriately protects the confidentiality of patients, inmates, and employees.

(c) A report submitted to the Legislature pursuant to subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 6401.9 to the Labor Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to appropriately protect the privacy of persons involved in violent incidents, it is necessary to limit access to the personal information of employees, patients, and inmates involved in these incidents.