



June 1, 2026

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Eric Berg

Deputy Chief

Division of Occupational Safety and Health

1515 Clay Street, Suite 1901

Oakland, CA 9461

Submitted via email: rs@dir.ca.gov.

Re: Workplace Violence Prevention Standard for General Industry

Dear Eric Berg,

The American Federation of State, County and Municipal Employees' 1.4 million members serve in hundreds of occupations, providing the vital services that make America happen. We build infrastructure, staff corrections and enforcement, maintain cultural institutions, educate and protect children, provide health care and emergency services, operate transportation, generate and deliver power, handle waste and provide clean water. AFSCME advocates to protect the lives and safety of all working people, and promote fairness in the workplace, excellence in public service and freedom and opportunity for working families.

AFSCME is submitting comments regarding the recent discussion draft on workplace violence in the general industry. These protections are vital to our members, as they work in a wide range of occupations and are exposed to workplace violence hazards. California must implement a workplace violence prevention rule that involves meaningful worker involvement, worksite analysis, preventing and controlling hazards, comprehensive training and robust recordkeeping and reporting procedures.

We commend the Division for making several improvements to the draft. For example, expanding coverage in the rule for employer-provided transportation. This expansion closes a vital gap impacting AFSCME members in California who work in social work, parole and probation, sanitation and waste management, maintenance and road crews and public transit. While there have been several improvements to the draft, we remain concerned about the provisions below.

American Federation of State, County and Municipal Employees, AFL-CIO

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Authorized Employee Representative

We commend the Division for incorporating the definition of designated representative in Section 3343(b)(2). However, the current definition of “authorized employee representative” still creates significant coverage gaps, specific to hazard identification. In Section 3343(c)(9), we recommend the Division add the definition of designated representative. This addition is instrumental in ensuring that there is active worker participation, which includes ensuring their representatives have access to the records and hazard identification process. If the Division declines, we renew our request consistent with comments we signed onto in July and November of 2025 that the definition of “authorized employee representative” in §3343(b)(1) be expanded consistent with the broader representation standard established under the Injury and Illness Prevention Program regulation to ensure that all workers have meaningful representation in the hazard identification process.

Workplace Violence Definition and Hazards

We support the Division’s revision to remove the reference to Penal Code Section 646.9. However, moving stalking to the list of examples of workplace violence hazards is inaccurate given that stalking is an example of a workplace violence incident. Identifying it as a factor that would increase the risk creates confusion in the process of reporting and when assessing risk. New York, the only other state currently with a workplace violence prevention standard, defines stalking an employee as an example of workplace violence. The Occupational Safety and Health Administration (OSHA) also includes “any act or threat of physical violence, intimidation, or other threatening behavior that occurs at the worksite,” as part of their definition of workplace violence. Stalking directly falls into this definition and must be addressed and recorded as an incident of violence. AFSCME also recommends the Division add sexual assault, domestic violence and sexual harassment as examples of workplace violence in Section 3343(b)(7).

We are concerned about the removal of Section 3343(b)(10)(I), “working with persons with a history of violence” as a workplace violence hazard. We recommend the Division reincorporate this as a workplace violence hazard. OSHA widely recognizes this, particularly in their *Guidance for Preventing Workplace Violence in Healthcare and Social Services*. AFSCME members work in occupations such as parole, probation, social work and other public-facing social support occupations, all of which are at high risk of violence given the nature of their work. These are occupations where there is often a documented history of violence and they need protections that fully address this risk. California’s Workplace Violence in Healthcare standard also recognizes that working with people with a history of violence is a hazard for workplace violence. Specifically, “Patient-specific [risk] factors shall include...A patient's history of violence, as is known to the health facility and employees...[and] any disruptive or threatening behavior displayed by a patient.” By reincorporating this provision, a person’s history of violence will be considered when assessing risk and implementing controls to prevent future incidents.

Additionally, we recommend the Division separate the two factors “frequent or regular contact with the public” and “uncontrolled public access” in Section 3343(b)(10)(F). We further recommend the Division expand Section 3343(b)(10) and include gender-based violence.

Post-Incident Response

Post incident procedures, including trauma counseling, are a core component of any workplace violence prevention plan. Section 3343(c)(11)(C) specifies that providing trauma counseling through workers' compensation would fulfill the statutory requirement. We recommend the Division remove this provision and revise the draft to make individual trauma counseling available to all affected employees.

The employer should make available confidential and trauma informed individual counseling as a post-incident response, at no cost, and in addition to services negotiated as a part of a collective bargaining agreement (CBA) or a Memorandum of Understanding (MOU). Trauma-informed, individual and confidential counseling is the minimum we recommend the employer provide, and the employer must not reduce any services that are negotiated through the CBA or MOU.

Workers' compensation practitioners may not have the training necessary to treat the broad range of psychological harm, post-traumatic stress disorder and injury that can stem from workplace violence incidents. Solely using workers' compensation as a response to employees in need of trauma-crisis counseling is ineffective. Any trauma counseling offered by the employer must be trauma-informed and comprehensive to provide the immediate resources and support employees need to recover.

These compensation claims can be burdensome for employees who need immediate support, as the timeline for claim approval or denial can be lengthy. These claims also fail to adequately cover employees who experience second-hand trauma. The eligibility coverage for second-hand trauma varies by state, and it involves a meticulous amount of documentation. The prolonged claim timeline and tedious process to prove their psychological injury can dissuade workers from applying in the first place, whether from first or second-hand trauma. A comprehensive and trauma-informed post-incident response is critical in allowing employees to recover and heal from traumatic workplace incidents.

Furthermore, Section 3343 (c)(11)(C) states that “initial counseling offered by the employer satisfies this requirement.” However, the term “initial” is ambiguous and lacks the same clarity provided in California’s Healthcare Workplace Violence standard. We also recommend the Division revise this provision consistent with our recommendation at the top of this section. Finally, we recommend the Division amend Section 3343(c)(11) to ensure that employers are

required to make gender-responsive support available to employees who have experienced gender-based workplace violence.

Violent Incident Log

As stated in Section 3343(d)(3)(4), the violent incident log must include whether incidents of sexual assault or threats. As written, this provision currently does not encompass domestic violence, sexual harassment and stalking incidents, which must be recorded. Ensuring that there is comprehensive and robust reporting of incidents is critical to informing unique risks for certain occupations, appropriate and effective control measures and additional response for prevention. We recommend the Division add the following, “or other form of gender-based violence including, but not limited to, sexual harassment, domestic violence and stalking.” This inclusion is critical to ensure workers have the appropriate post-incident response following the incident.

Training

We recommend the Division revise Section 3343(e)(1)(C) where it states “report...concerns to the employer or law enforcement,” to include reporting to Cal/OSHA. As afforded under California law, employees have the right to report and file a complaint without fear of retaliation.

Additionally, we recommend revisions to the provision of interactive training. As written, Section 3343(e)(1)(F) would allow for training to be administered remotely with interactive questions answered by a person knowledgeable of the workplace violence prevention plan. We recommend the Division omit this requirement and instead require in-person training and that the knowledgeable person be familiar with the plan and the worksite.

We appreciate the opportunity to share these comments and urge Cal/OSHA to implement these revisions in their final proposal. If you have questions or would like additional information, please contact Janice O’Malley, Legislative and Political Action Representative, JOMalley@afscme.org.

Sincerely,

/s/ Janice O’Malley

Janice O’Malley
Legislative and Political Action
Representative
Department of Political Action