

REGULATION 4157, 4257, 4357: EMPLOYEE SAFETY

Comparison Matrix

Section: Personnel

SUMMARY OF UPDATE

Summary of Update: Regulation updated to add that the Department of Industrial Relations Division of Occupational Safety and Health may prohibit entry into a place of employment when, in its opinion, the place of employment exposes employees to an imminent hazard. Additionally, regulation updated to reflect **NEW LAW (SB 553, 2023)** which requires, starting July 1, 2024, districts to (1) establish, implement, and maintain at all times and in all work areas a violence prevention plan with specified components, and (2) provide all employees with training when the plan is first established and annually thereafter. In addition, regulation updated to delete outdated information related to actions districts were required to take upon notice of potential exposure to COVID-19.

CURRENT VERSION			REVISED VERSION	CSBA MODIFICATIONS and/or NOTES
PARA	Section	Sub-Section	July 31, 2012	
1			<p>The Superintendent or designee shall provide and implement safety devices, safeguards, methods, and processes that are reasonably adequate to render the employment and place of employment safe and healthful.</p>	<p>The Superintendent or designee shall provide safety devices <i>and implement</i> safeguards, methods, and processes that are reasonably <i>necessary for the safety and health of employees in the workplace</i></p>
			<p><i>If the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of an imminent hazard, including a machine, device, apparatus, or equipment that is in a dangerous condition or is dangerously placed, the Superintendent or designee shall post a notice of the hazard provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the workplace, operation, or process is made safe,</i></p>	<p>CSBA NOTE: Pursuant to Labor Code 6325, the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) may prohibit entry into a place of employment when, in its opinion, the place of employment exposes employees to an imminent hazard. In such cases, Cal/OSHA will provide a notice that must be posted in a conspicuous place at the place of employment.</p>

			<i>and the required safeguards, safety appliances, or devices are provided.</i>	
		<u>Injury and Illness Prevention Program</u>	No change	
1		The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program.	No change	CSBA NOTE: The following section reflects the requirements of Labor Code 6401.7, as amended by SB 553 (Ch. 289, Statutes of 2023), and 8 CCR 3203 for a written injury and illness prevention program. When developing such a program, districts are encouraged to review Cal/OSHA's, "Guide to Developing Your Workplace Injury and Illness Prevention Program."
2		The district shall maintain and implement a written injury and illness prevention program which clearly defines the responsibilities of supervisors and employees and which identifies:	The district's injury and illness prevention program <i>shall include:</i>	
	1	The person(s) with authority and responsibility for implementing the program	The <i>name/position of the</i> person(s) with authority and responsibility for implementing the program	
	2	A system for ensuring that employees comply with safe and healthful work practices. This system may include, but not be limited to:	A system for ensuring that employees comply with safe and healthful work practices, <i>which</i> may include, but are not limited to:	
		a Disciplinary actions	No change	
		b Programs for training and retraining in safety rules and procedures	Training and retraining <i>programs</i>	
		c Means for recognizing employees who follow safe and healthful work practices	<i>Recognition of</i> employees who follow safe and healthful work practices	
	3	A system for communicating with employees in a way readily understandable by all employees on occupational health and safety matters , including provisions designed to encourage employees to report hazards at the	A system for communicating with employees in a <i>form</i> readily understandable by all employees on <i>matters related to</i> occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of	CSBA NOTE: Pursuant to 8 CCR 3203, districts with fewer than 10 employees may fulfill the communication requirements of Item #3 below by providing oral instruction in general safe work practices and the hazards unique to the employees' assignments.

		work site without fear of reprisal. This system may include, but not be limited to:	reprisal. The <i>communications</i> system may include, but is not limited to:	
	a	Regular scheduled meetings <i>at which safety is freely and openly discussed</i>	Meetings	
	b	Training programs	No change	
	c	Display of posters and bulletins	<i>Posting</i>	
	d	Written communications such as newsletters and reproductions of the district's employee safety policy	Written communications	
	e	A reporting form, safety suggestion box or other system of anonymous notification by employees about hazards	A system of anonymous notification by employees about hazards	
	f	Labor/management safety and health committees	A labor/management safety and health committee	CSBA NOTE: Districts may use a labor/management safety and health committee to communicate the contents of the injury and illness prevention program, as long as the committee satisfies the requirements specified below in the section on "Labor/Management Safety and Health Committee."
4		Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections to identify and evaluate hazards shall be made:	Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. <i>Such inspections shall be made:</i>	
	a	Whenever introducing into the workplace new substances, processes, procedures, or equipment that represent a new occupational safety or health hazard	Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard <i>is introduced into the workplace</i>	
	b	Whenever the district is made aware of a new or previously unrecognized hazard	No change	
5		Procedures for investigating occupational injury or illness	<i>A procedure for investigating occupational injury or illness</i>	
6		Methods and/or procedures for correcting unsafe or unhealthful conditions, work	No change	

			practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered		
	6 (2)		When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided necessary safeguards.	When an imminent hazard exists <i>that</i> cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided <i>with the</i> necessary safeguards.	
	7		Provision of training and instruction as follows:	No change	
		a	To all new employees	No change	
		b	To all employees given new job assignments for which training has not previously been received	No change	
		c	Whenever new substances, processes, procedures or equipment are introduced into the workplace and represent a new hazard	No change	
		d	Whenever the district is made aware of a new or previously unrecognized hazard	No change	
		e	To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed	No change	
				<i>8. A written workplace violence prevention plan developed and implemented in accordance with Labor Code 6401.9</i>	Additional subsection added CSBA NOTE: Pursuant to Labor Code 6401.7, as amended by SB 553, districts are required to establish, implement, and maintain a workplace violence prevention plan as specified in Labor Code 6401.9, as added by AB 553.
				<i>8.(2) The plan, which shall be easily accessible to all employees at all times, shall be in</i>	

				<i>effect at all times and in all work areas, and be specific to the hazards and corrective measures for each work area and operation.</i>	
				<i>8.(3) The Superintendent or designee shall provide training to all employees when the plan is first established and annually thereafter in accordance with Labor Code 6401.9. Training materials shall be appropriate in content and vocabulary to employees' educational level, literacy, and language.</i>	
3			Records of the steps taken to implement and maintain the injury and illness prevention program shall be kept in accordance with law.	Delete	
4			No employee shall be discharged or discriminated against for making complaints, instituting proceedings, or testifying with regard to employee safety or health, or for participating in any occupational health and safety committee established pursuant to Labor Code 6401.7.	Delete	
				<i>The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following:</i>	<p>New paragraph CSBA NOTE: Pursuant to 8 CCR 3203, employees or their designated representatives have the right to examine and receive a copy of the district's injury and illness prevention program, and districts are required to provide access as described below. 8 CCR 3203 defines "designated representative" as any individual or organization to whom an employee gives written authorization to exercise a right of access. A recognized or certified collective bargaining agent is, by definition, treated automatically as a designated representative.</p> <p>Districts are not required to include records of</p>

				steps taken to implement and maintain the injury and illness prevention program. However, access to such information, or any other information in addition to that required by 8 CCR 3203, may be subject to collective bargaining.	
				<i>1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee.</i>	New sections added
				<i>1.(2) When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.</i>	
				<i>1.(3) The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the district's injury and illness prevention program has not been updated with new information since the prior copy was provided, the district may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.</i>	
				<i>2. Unobstructed access to the district's injury and illness prevention program through the district's server or website that allows an employee to review, print, and email the current version of the district's injury and illness prevention program.</i>	CSBA NOTE: Pursuant to 8 CCR 3203, an employee has unobstructed access if, as part of the employee's regular work duties, the employee predictably and routinely uses the electronic means to communicate with management or coworkers.

			<i>The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees.</i>	New paragraph
		<u>Labor/Management Safety and Health Committee</u>	No change	
1		The district's labor/management safety and health committee shall:	No change	CSBA NOTE: The following optional section is for use by districts that choose to use a labor/management safety and health committee to comply with the requirements of 8 CCR 3203 regarding communication with employees as specified in Item #3 above in the section "Injury and Illness Prevention Program." Pursuant to 8 CCR 3203, if the committee adheres to the following practices, the district shall be deemed to be in substantial compliance with the communications requirements of the law.
	1	Meet regularly, but not less than quarterly.	No change	
	2	Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by the California Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) upon request. These records shall be maintained for at least one year.	Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by Cal/OSHA upon request. These records shall be maintained for at least one year.	
	3	Review results of the periodic, scheduled worksite inspections.	No change	
	4	Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the committee may submit suggestions to the Superintendent or designee regarding the prevention of future incidents.	No change	

	5	Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.	No change	
	6	Submit recommendations to assist in the evaluation of employee safety suggestions	No change	
	7	Upon request of Cal/OSHA, verify abatement action taken by the district to abate citations issued by Cal/OSHA	No change	
		Hearing Protection	No change	
1		Whenever employee noise exposure equals or exceeds the standards specified in law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiometric testing of affected employees, the provision of hearing protectors, and employee training.	Whenever employee noise exposure equals or exceeds the standards specified <i>by</i> law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, <i>audiogram evaluation and</i> audiometric testing of affected employees, the provision of hearing protectors, and employee training.	
		Eye Safety Devices	No change	
1		Eye safety devices shall be worn by employees whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause injury to the eyes.	<i>Employees shall wear</i> eye safety devices whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause eye <i>injury</i> .	
		First Aid and Medical Services	No change	
1		The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a workplace is not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that	The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a <i>district facility or district grounds are</i> not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure	

		at least one employee is adequately trained to provide first aid.	that at least one employee is adequately trained to provide first aid.	
2		The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary.	No change	CSBA NOTE: Pursuant to 8 CCR 3400, if ambulance service is not available within 30 minutes under normal conditions, the district may be required by Cal/OSHA to provide stretchers, blankets, or other adequate warm covering.
			<i>The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials.</i>	New paragraph
3		To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following:	No change	CSBA NOTE: 8 CCR 3400 requires districts to make provisions in advance, using one or a combination of the provisions specified in Items #1-3 below, to ensure that employees receive prompt medical treatment for serious injury or illness. Districts should select the provision(s) that reflect district practice.
	1	A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.	No change	
	2	Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness.	No change	
	3	Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate.	No change	

			<u><i>Protection from Communicable Diseases and Infections</i></u>	New section added
			<i>The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The district shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law.</i>	CSBA NOTE: The following section contains general information in regard to bloodborne pathogens and infectious diseases as it relates to employee safety. For more information regarding bloodborne pathogens, see BP/AR 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens and BP/AR 4119.43/4219.43/4319.43 - Universal Precautions. For more information regarding infectious diseases, see BP 4119.41/4219.41/4319.41 - Employees with Infectious Disease.
			<i>Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of district facilities and equipment.</i>	
			<i>The Superintendent or designee shall immediately report to the local health officer</i>	

				<i>the presence or suspected presence of any communicable disease.</i>	
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