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# BACK TO THE OFFICE - UPDATES IN LOSS CONTROL

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# AGENDA

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- Impending Cal/OSHA Legislation for General Industry
- Risk Management Plans
- Board Motion – Measuring Departmental Risk Management Performance
- Ergonomics – Workstation Configuration for Hybrid Working Environments

# IMPENDING CAL/OSHA LEGISLATION

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- COVID-19 Emergency Temporary Standard
- Workplace Violence Prevention for General Industry
- Senate Bill 606

# COVID-19 EMERGENCY TEMPORARY STANDARD

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- Cal/OSHA approved the COVID-19 Emergency Temporary Standards (ETS) on November 30, 2020 to address the hazards and risks posed by COVID-19 in the workplace.
- The ETS was adopted again with modifications on June 17, 2021, and recently readopted with additional revisions.
- The newest version of the ETS went into effect on January 14, 2022 and applies to all non-remote workers in California (except those covered by the Aerosol Transmissible Diseases standard).

# COVID-19 EMERGENCY TEMPORARY STANDARD

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- The new revisions to the ETS address the following topics:
  - **Face Coverings:** Cal/OSHA updated the definition of “face coverings”.
  - **Testing:** The definition of “COVID-19 test” was updated.
  - **Exclusion:** Expanded on exclusions from the workplace under various scenarios.
  - **Return to Work:** The new ETS reduced the period for non-symptomatic employees to return to work following a close contact exposure (timeframes vary, particularly to address critical staffing shortages). These are based on California Department of Public Health recommendations.



# WORKPLACE VIOLENCE PREVENTION FOR GENERAL INDUSTRY

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- On April 1, 2017, Cal/OSHA enacted its Violence Prevention in Health Care regulation to establish workplace violence prevention plans to protect health care personnel from aggressive and violent behavior.
- Although General Industry does not have a workplace violence prevention regulation, the Injury and Illness Prevention Program (IIPP) was utilized as a “General Duty Clause” to ensure employers implemented appropriate plans and measures to ensure employee safety and health in all other work environments.

# WORKPLACE VIOLENCE PREVENTION FOR GENERAL INDUSTRY

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- Petition File No. 542 - Workplace safety standards to reduce injuries in the educational setting started the process for a General Industry regulation.
- The Division of Occupational Safety and Health's evaluation of the petition resulted in the recommendation to expand the scope of a recently begun advisory committee meeting process addressing workplace violence in healthcare settings to discuss workplace violence in all California workplaces.

# WORKPLACE VIOLENCE PREVENTION FOR GENERAL INDUSTRY

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- Cal/OSHA is actively promulgating a workplace violence prevention regulation for General Industry in order to address shortcomings experienced by applying the IIPP to these types of risk.
- The regulation will require the following:
  - Written, effective plans to prevent WPV-related injuries,
  - Procedures to identify and evaluate WPV risk factors, post-incident response and WPV injury investigation,
  - Procedures to correct WPV hazards and communication on WPV matters,
  - Develop and provide training to employees, and
  - Procedures to involve employees and their representatives.



# SENATE BILL 606

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- On September 27, 2021, Governor Newsom signed Senate Bill 606, expanding Cal/OSHA's enforcement authority.
- SB 606 increases potential exposure for employers with multiple worksites under the presumption that a violation is employer-wide when either of the following factors is met:
  - A written policy or procedure violates a Cal/OSHA safety standard, rule, order or regulation, OR
  - Evidence of a pattern or practice of the same violation committed by that employer at more than one of the employer's worksites.
- If either criterion is met, Cal/OSHA may issue an employer-wide citation that would require employer-wide abatement if the employer fails to refute the presumption.

# SENATE BILL 606

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- An employer-wide citation increases the opportunity for repeat citations to be issued by Cal/OSHA against the employer.
- Any employer who commits an employer-wide violation may be assessed a penalty of at least \$8,908 but no more than \$124,709 for each violation.

# RISK MANAGEMENT PLANS

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- Every department has been required to develop a Risk Management Plan (RMP), formerly known as the Risk Exposure Cost Avoidance Plan (RECAP), since 2009.
- RMP Status Reports are also required to provide a summary and assessment of results for the previous years' RMP objectives.

# RISK MANAGEMENT PLANS

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- The RMP was developed to increase departmental awareness of risk exposures, loss trends, claims performance through related statistical information:
  - Claims Performance (WC, Auto and General Liability, Medical Malpractice),
  - Vehicle and Fleet Safety Performance,
  - Return-to-Work Performance,
  - Short-Term and Long-Term Disability Performance.
- Risk Management Objectives in the RMPs should be clearly stated, realistic and achievable which focus on a department's leading cost drivers.



# RISK MANAGEMENT PLAN - PERFORMANCE METRICS

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- On March 9, 2021, the Board passed a motion to measure departmental risk management performance through metrics in areas including loss prevention, privacy, workers' compensation, and return-to-work programs.
- Departmental performance metrics will be reported in future Risk Management Annual Reports beginning Fiscal Year 2021-22.
- Quarterly meetings to facilitate and assist in the preparation of a comprehensive Risk Management Plan will be required for departments that rank in the bottom 10 percent of the departmental risk management performance metrics.



# RISK MANAGEMENT PLAN - PERFORMANCE METRICS

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- The CEO Risk Management Branch (RMB) and the Department of Human Resources (DHR) convened to establish performance metrics based on several factors to rank departmental risk management performance.
- Department arduous ratings will be utilized to normalize WC and liability claim performance across all County departments.
- Service clusters will be used to group departments, determine departmental performance and identify the lower performing department (bottom 10 percent) for each cluster.

# RISK MANAGEMENT PLAN - PERFORMANCE METRICS

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- Performance metrics include an aggregate score that integrates WC and liability claim performance (weighted 75%) and departmental risk management efforts and activities as identified in departmental RMPs (weighted 25%).
- Failure to submit an RMP will result in zero points awarded for risk management efforts and RMP activities.

# ERGONOMICS – WORKSTATION CONFIGURATION FOR HYBRID WORKING ENVIRONMENTS

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- Staff have or will return to a “New Normal” work environment:
  - Enhanced digital processes with less paper,
  - Increased efficiencies (i.e. virtual meetings),
  - Hybrid working environments (i.e. full-time office assignments, part-time and full-time telework assignments, hoteling, etc.).
- What are Department responsibilities in the “New Normal”?
- What resources are available to assist in transitioning to these new work environments?



# DEPARTMENT RESPONSIBILITIES

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- Departments are required to ensure a safe work environment is provided to their employees regardless of where they are working from – required by Cal/OSHA’s Injury and Illness Prevention Program regulation.
- The work environment is any location an employee engages in tasks for the benefit of their employer. This includes:
  - Assigned desk/cubicle in a County building or leased space,
  - Hoteling workstations,
  - Telework locations including personal residences.



# DEPARTMENT RESPONSIBILITIES

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- Department responsibilities for providing ergonomic equipment:
  - Ergonomic (adjustable) equipment should be provided in both assigned and hoteling workstations.
  - Telework assignments – voluntary or mandatory? Does the employee have access to an assigned or hoteling workstation?
    - If yes, the telework assignment is considered voluntary (number of days teleworking per week or month is not relevant in the decision),
    - If no, the department may need to provide ergonomic equipment at the telework site.
  - Individuals with accommodations should be handled on a case-by-case basis.
- Consult with DHR RTW Unit, CEO RMB or your County Counsel representative if you require assistance.



# DEPARTMENT RESPONSIBILITIES

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- There are several resources available to assist departments in meeting their safety and health responsibilities related to ergonomics including employee training, workstation evaluations and equipment selection:
  - The Joint Labor-Management Committee on Office Ergonomics  
<https://my.lacounty.gov/health-wellness/office-ergonomics>
  - Chief Executive Office Risk Management Branch Website  
<https://riskmanagement.lacounty.gov>
- CEO RMB Loss Control and Prevention Unit Staff

# CONCLUSION

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- There are many details that have been covered.
- Contact your designated CEO RMB Loss Control and Prevention staff member for assistance (see <https://riskmanagement.lacounty.gov/safety-contact-us-page/> for a list of contacts).