

Assembly Bill No. 326

CHAPTER 91

An act to amend Section 6409.1 of the Labor Code, relating to occupational safety and health.

[Approved by Governor July 8, 2014. Filed with Secretary
of State July 8, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 326, Morrell. Occupational safety and health: reporting requirements.

Under existing law, there is the Division of Occupational Safety and Health within the Department of Industrial Relations. Existing law requires every employer to file a complete report of every occupational injury or occupational illness of each employee, as specified, with the department. Existing law requires an employer to make an immediate report by telephone or telegraph of every case involving an employee's serious injury or illness or death to the division.

This bill would require every employer to make an immediate report by telephone or email of every case involving an employee's serious injury or illness or death to the division.

The people of the State of California do enact as follows:

SECTION 1. Section 6409.1 of the Labor Code is amended to read:

6409.1. (a) Every employer shall file a complete report of every occupational injury or occupational illness, as defined in subdivision (b) of Section 6409, of each employee which results in lost time beyond the date of the injury or illness, or which requires medical treatment beyond first aid, with the Department of Industrial Relations or, if an insured employer, with the insurer, on a form prescribed for that purpose by the department. A report shall be filed concerning each injury and illness which has, or is alleged to have, arisen out of and in the course of employment, within five days after the employer obtains knowledge of the injury or illness. Each report of occupational injury or occupational illness shall indicate the social security number of the injured employee. In the case of an insured employer, the insurer shall file with the division immediately upon receipt, a copy of the employer's report, which has been received from the insured employer. In the event an employer has filed a report of injury or illness pursuant to this subdivision and the employee subsequently dies as a result of the reported injury or illness, the employer shall file an amended report indicating the death with the department or, if an insured employer, with the insurer, within five days after the employer is notified or learns of the

death. A copy of any amended reports received by the insurer shall be filed with the division immediately upon receipt.

(b) In every case involving a serious injury or illness, or death, in addition to the report required by subdivision (a), a report shall be made immediately by the employer to the Division of Occupational Safety and Health by telephone or email. An employer who violates this subdivision may be assessed a civil penalty of not less than five thousand dollars (\$5,000). Nothing in this subdivision shall be construed to increase the maximum civil penalty, pursuant to Sections 6427 to 6430, inclusive, that may be imposed for a violation of this section.