

Date of Hearing: April 29, 2025

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 694 (McKinnor) – As Amended April 21, 2025

SUBJECT: Department of Industrial Relations: advisory committee: occupational safety and health

SUMMARY: Requires the Department of Industrial Relations (DIR) to contract with specified academic institutions to conduct a study to evaluate the understaffing and vacancies within the Division of Occupational Safety and Health (Cal/OSHA) and requires the academic institutions to convene an advisory committee to advise on the study and provide findings and recommendations to Cal/OSHA. Specifically, **this bill:**

- 1) Makes findings and declarations regarding the high number of Compliance Safety and Health Officer (CSHO) vacancies in the enforcement division of Cal/OSHA.
- 2) States it is the intent of the Legislature to develop recommendations for the design of a Cal/OSHA CSHO workforce development pipeline program, and any relevant policy improvements to aid in the effective implementation of that program, in order to expand and diversify the candidates who may fill these positions.
- 3) Defines CSHOs to mean personnel in the safety engineer and industrial hygienist classifications of Cal/OSHA.
- 4) Requires the DIR to contract with the University of California (UC), Berkeley Labor Occupational Health Program and the UC, Los Angeles (UCLA) Labor Occupational Safety and Health Program to conduct a study to evaluate the understaffing and vacancies within the division and make recommendations to DIR, the Department of Human Resources (CalHR), and the Legislature on policies the state will use to establish career pathways to the CSHO classification.
- 5) Authorizes the UC to subcontract, in whole or in part, the responsibility for conducting the study to another academic institution.
- 6) Requires the UC and its subcontractors, if any, to issue a report that includes, but is not limited to, the following:
 - a) Literature review related to Cal/OSHA's understaffing and vacancy problem and models for workforce development programs that could increase the career pathways for CSHOs; and,
 - b) Recommendations to address the CSHO understaffing and vacancies, including recommended timeline and strategies to implement a workforce training program. In making these recommendations, the study and committee shall consider, among other things, the following:

- i) How to improve the effectiveness of hiring and retention and decrease the hiring time for the CSHO position;
 - ii) A summary of all relevant Cal/OSHA CSHO position responsibilities, skills, and tasks, as specified;
 - iii) An analysis of different workforce development and training models including third-party certification and apprenticeship;
 - iv) An analysis of external workforce populations who may have matching skill sets and experience that would make them effective candidates for a CSHO workforce training program, including linguistic and cultural competencies that match the diverse California workforce; and,
 - v) Identification of core curriculum components for the development of a workforce training program for CSHOs.
- 7) Requires the UC to convene an advisory committee to make recommendations regarding the scope of the study and provide the findings and recommendations described in (6)(b) above to Cal/OSHA. The committee will hold a meeting within 60 days of DIR executing the contract with the UC.
- 8) Requires the advisory committee to meet at least once while the study is being conducted, and at least two times to review findings and recommendations, and requires the committee to hold at least one public meeting while the study is being conducted and one additional public meeting to gather input on recommendations and findings.
- 9) Provides that the advisory committee will be composed of at least 14 and not more than 17, members, including at least 2 members who are representatives from central California, and will include all of the following members:
- a) One member from Cal/OSHA;
 - b) One member from CalHR;
 - c) One member from the Division of Apprenticeship Standards;
 - d) One member from a union of Cal/OSHA's enforcement and administrative classifications, including, one member from the union representing safety engineers, one member from the union representing industrial hygienists, and one member from the union representing administrative staff in Bargaining Unit 1;
 - e) One member from a statewide organization that represents labor unions in the high-risk industries of the building and construction trades, and one member from the union representing proprietary workers from refineries to advise on Cal/OSHA's Process Safety Management Unit;

- f) One member from a statewide organization representing public and private sector unions whose membership includes workers subject to the occupational health and safety provisions of the Labor Code;
 - g) Three members from community-based nonprofit organizations that have at least five years of experience advocating on behalf of workers to address health and safety issues in the workplace, and represent diverse geographies;
 - h) One member from the California Community Colleges with experience in workforce development training for health and safety-related careers; and,
 - i) One member from an academic institution.
- 10) Requires, eighteen months after entering into the contract with the UC, the report to be completed and the DIR to post the report on Cal/OSHA's website and forward the report to the members of the advisory committee, the Governor, and the Chairs of the Assembly Committee on Labor and Employment and the Senate Committee on Labor, Public Employment and Retirement.
- 11) Requires, in conducting the study, the UC and any subcontractors to consider and be guided by the recommendations of the advisory committee, if any, only so long as the recommendations would not substantially increase the cost of the study or cause the report to be issued after the required submission date.
- 12) Requires implementation of the above provisions to be subject to an appropriation made by the Legislature for the express purpose of this section.

EXISTING LAW:

- 1) Establishes the UC as a public trust to be administered by the Regents of the UC; and, grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to ensure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services (Article IX, Section (9)(a) of the California Constitution).
- 2) Establishes Cal/OSHA within the DIR to, among other things, propose, administer, and enforce occupational safety and health standards. (Labor Code Section 6300 et seq.)
- 3) Requires, under the California Occupational Safety and Health Act, an employer to:
 - a) Furnish employment and a place of employment that is safe and healthful for its employees;

- b) Furnish and use safety devices and safeguards, and to adopt and use practices, means, methods, operations, and processes, which are reasonably adequate to render employment and the place of employment safe and healthful; and.
 - c) Do everything reasonably necessary to protect the life, safety, and health of employees. (Labor Code Section 6300 et seq.)
- 4) Requires the DIR to contract with the UCLA Labor Center to conduct a study evaluating opportunities to improve worker safety and safeguard employment rights in the janitorial industry. Authorizes UCLA to subcontract the responsibility for conducting the study to other specified entities. (Labor Code Section 1429.6(a))
- 5) Requires the UCLA Labor Center and its subcontractors, if any, to issue a report no later than May 1, 2026, that includes information on the janitorial workforce such as data on injuries, demographics, workers' compensation, and production rates based on cleaning frequency. (Labor Code Section 1429.6(b))

FISCAL EFFECT: Unknown.

COMMENTS: *Double-referral.* AB 694 (McKinnor) was heard in the Assembly Committee on Labor and Employment on April 2, 2025, passing with a unanimous 7-0 vote.

Purpose. According to the author, “ensuring workplace safety starts with having the necessary enforcement personnel to protect workers from hazardous conditions. Cal/OSHA’s staffing shortages have weakened enforcement, leaving workers, especially those in high-risk industries, without adequate oversight and protection. AB 694 takes a critical step toward strengthening workplace safety by assessing how to recruit and train a more diverse and experienced inspector workforce. By creating pathways for new safety inspectors and expanding language access, this bill helps ensure Cal/OSHA can effectively serve all workers, regardless of industry or background.”

Background. Cal/OSHA continues to suffer from significant understaffing and high turnover, particularly in its enforcement division. The CSHO position—critical for conducting field investigations of worker complaints of health and safety violations-- has one of the highest vacancy rates across the division. According to DIR’s internal data, as of August 2024, Cal/OSHA had 124 vacant CSHO positions, constituting a 46% vacancy rate. The vacancy rate is even higher in certain geographic areas. For example, the Santa Ana office had a 73% vacancy rate while the San Francisco office had a 66% vacancy rate. Even more troubling is the ratio of CSHO to worker in California - one inspector to every 130,000 workers. This ratio is much higher than in the neighboring states of Washington and Oregon, which have ratios of 1 to 26,000 workers and 1 to 24,000 workers, respectively. To put it another way, perhaps more starkly, California employs 7.7 CSHOs per million workers.

Cal/OSHA’s staffing crisis has affected its ability to conduct inspections and effectively enforce the health and safety laws designed to protect workers. A 2022 annual evaluation of Cal/OSHA’s programs, conducted by federal OSHA, found that the division is failing to proactively inspect workplaces and prevent work-related accidents. According to the evaluation, “Cal/OSHA cannot

conduct planned inspections of high hazard employers at the national average” due to short staffing. Only 18.5% of Cal/OSHA’s inspections are programmed compared to a national average of 40%. The lack of proactive inspections can contribute to dire outcomes for workers—from preventable injuries to death. In fact, over 500 workers in California were killed on the job in 2022.

The pervasive staffing and turnover issues at Cal/OSHA led to an audit request of the division in March 2024. The audit was subsequently approved by the Joint Legislative Audit Committee and the final report is expected to be complete sometime this summer. The request covers a number of issues relevant to this bill, including the rate that complaints are investigated over the last five years, a review of the demographics of workers who file complaints, and the average time it takes from the date of filing a complaint to resolution by Cal/OSHA. The results of this audit could help inform the UC study and the advisory committee process as they study the staffing issues at Cal/OSHA and make recommendations for creating more effective pipelines into the CSHO classification.

UC Labor Centers. The UC Berkeley Center for Labor Research and Education is a public service and outreach program of the Institute for Research on Labor and Employment. Founded in 1964, the Labor Center conducts research and education on issues related to labor and employment. The Labor Center’s curricula and leadership trainings serve to educate a diverse new generation of labor leaders. The Labor Center carries out research on topics such as job quality and workforce development issues, and works with unions, government, and employers to develop innovative policy perspectives and programs. The UC Berkeley Labor and Occupational Health Program was launched in 1974 by the Center for Labor Research and Education to assist the Northern California labor movement in understanding and exercising their rights under OSHA.

In 1964, the Center for Labor Research and Education was established within the UCLA Institute of Industrial Relations (now the UCLA Institute for Research on Labor and Employment) by a statewide joint labor-university committee. Authors of the institute guidelines highlighted key issues of the day deserving of labor-university collaboration: job displacement, the needs of white-collar unions, reducing hours of work, and the problems of the unemployed. In 1978, the Labor Center expanded its programs in the area of health and safety, leading to the creation of its sister program, the Labor Occupational Safety and Health (LOSH) Program. LOSH engages in training and education initiatives, worker leadership development, community-engaged research, and assessment of policies related to worker health, labor rights, and environmental justice. LOSH’s efforts focus on workers in high-hazard industries and those in low-wage and informal labor markets.

Arguments in support. The California Farmworker Coalition, a sponsor of AB 694, wrote that “Cal/OSHA’s chronic understaffing issue has reached crisis levels, according to the latest data released by the Department of Industrial Relations, with an October 2024 vacancy rate of 43% among field enforcement inspectors. California’s inspector to worker ratio is 1:121,000, compared to neighboring Oregon’s 1:24,000 and Washington’s 1:26,000. These staffing shortages have led to a drop in the issuance of significant citations that hold the most egregious and repeat offenders accountable. Fewer citations lead to lower civil penalties, and therefore less deterrence for violating employers. California’s farmworkers are responsible for helping to

supply 3/4ths of the country's fruits and nuts. However, they experience occupational injuries at nearly double the rate of other private sector workers and die at higher rates as well.”

“To end the years-long Cal/OSHA safety inspector understaffing crisis, the Department must go beyond current recruitment approaches and instead address the underlying causes of these vacancies. The Department’s inability to hire and retain enforcement staff is a consequence of the current minimum qualifications and lack of viable workforce pipeline pathways. These core barriers keep experienced, dedicated and diverse California workers from filling these positions. AB 694 will address these issues by creating an advisory committee and study tasked with assessing and developing recommendations to increase and diversify Cal/OSHA’s Compliance Safety and Health Officer workforce, including a training program that will create a pathway for people without college degrees. This initiative will also assess how to recruit workers from diverse industries, and partner with labor unions, worker advocacy organizations, and academic institutions to successfully implement the recommendations.”

REGISTERED SUPPORT / OPPOSITION:**Support**

American Federation of State, County and Municipal Employees, AFL-CIO
California Farmworker Coalition
California Labor for Climate Jobs
California School Employees Association
CFT- a Union of Educators & Classified Professionals, AFT, AFL-CIO
Service Employees International Union, Local 1000
Southern California Coalition for Occupational Safety and Health (SOCALCOSH)
UFCW - Western States Council

Opposition

None on file

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