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California: Governor Signs Bill Expanding Statute of Limitations for Recordkeeping Violations

Prepared for the Katten Safety Advisory Group

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On September 19, Governor Jerry Brown signed a bill which will expand the statute of limitations for recordkeeping requirements under the jurisdiction of the California Division of Occupational Safety and Health ("Cal/OSHA"). The bill, Assembly Bill ("AB") 2334 (Thurmond), will amend the California Labor Code to clarify that the occurrence of certain recordkeeping violations continues "until…corrected, or the division discovers the violation, or the duty to comply with the violated requirement ceases to exist." Previously, Cal/OSHA could not cite employers for failing to record workplace injuries or illnesses if the violation took place more than six months before the citation was issued. AB 2334 will effectively extend the statute of limitations for recordkeeping violations to five years – the length of time employers are required to maintain injury and illness records. The new law is effective January 1, 2019.

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