California Extends Statute of Limitations on Recordkeeping Violations

By Matthew Thomas Deffebach | November 8, 2018

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Governor Jerry Brown signed a bill that expands the statute of limitations for issuing citations to employers for failing to record workplace injuries or illnesses.[1] Previously, Cal/OSHA could only cite an employer for recordkeeping violations that took place within the six months prior to the issuance of a citation. Beginning January 1, 2019, California Labor Code will provide that a recordkeeping violation continues until the violation is corrected, the division discovers the violation, or the duty to comply with the requirement that was violated no longer exists. This change effectually extends the statute of limitations for recordkeeping violations to the length of time employers are required to maintain injury and illness records, which is five years. Employers should consider reviewing their injury and illness records to determine if any corrections are warranted.

[1] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2334.

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