

## **ARTICLE 14: SAFETY CONDITIONS OF EMPLOYMENT**

### **Section 14.1-Safe Working Conditions.**

- a. Bargaining unit members shall not be required to work in unsafe conditions or to perform tasks that endanger their health.
- b. The District shall comply with provisions of the California Occupational Safety and Health Act, as amended (California Labor Code 6300, et. seq.) and regulations relating thereto (California Administrative Code Section 330, et seq).
  1. When cited for failure to provide a safe working condition at the place of employment, the District shall, within two (2) days of receipt of citation, provide to the Association a copy of the citation. The Association President or his/her designee shall be released with pay to participate in any conference between the District's representative(s) and a CAL-OSHA Compliance Inspection Engineer and/or to accompany the District representative(s), if any, and the CAL-OSHA Compliance Inspection Engineer as the engineer conducts his/her walk around inspection.
- c. The Association shall appoint one (1) representative to attend the District Safety Committee established to implement the provisions of Labor Code 6401.7, (i.e., S.B. 198 Injury and Illness Prevention Program). The District Safety Committee shall provide each work site with a general procedures booklet. The District Safety Committee shall review and answer all inquiries and/or recommendations of the Site Safety Committee.
  1. All unit members are expected to comply with the Injury and Illness Prevention Program Policy. Each unit member shall be provided a copy of said policy.
  2. Upon notification of an unsafe condition or hazard, on a District form, the site supervisor will investigate and report the findings and describe the measures taken to correct the condition, when appropriate, to the District Risk Supervisor. The District shall correct unsafe and unhealthy conditions and work practices in a timely manner based on the severity of the hazard.
  3. A unit member's failure to comply with safety rules, procedures, and policies shall be cause for immediate disciplinary action by the District (Article 21).
  4. With unit member participation, each site shall have a Site Safety Committee, which shall meet monthly and review "reports of unsafe conditions or hazards", employee injuries reported, and incidents of student accidents. The Site Safety Committee shall review and enforce the site inspection program and report unique or unaddressed site issues to the District Safety Committee.
- d. Disaster Plan-The District is responsible for coordinating contact with outside agencies, maintenance of Emergency Procedures manuals, policy development and review, periodic training, equipment maintenance, coordination of emergency evaluation drills, maintenance of District and work site safety supplies, and maintenance of work site safety devices.
  1. The District shall provide each site with first aid kits containing a first aid book and basic first aid supplies.
  2. With unit member participation, each site shall annually review, update, and in-service all staff on the site emergency preparedness plan. A copy of the

District and site emergency preparedness plan shall be available upon request of any unit member from the site principal or principal designee.

3. Unit members shall remain on campus and participate fully as a "Disaster service worker" under Government Code, Chapter 8, Division IV, Title I in the event of an emergency or natural disaster until released pursuant to the District Disaster Preparedness Plan.
4. In the event of an emergency school or District closure including, but not limited to natural disasters or quarantine, unit members shall receive their daily rate of pay and benefits. If make-up days are required by law, the District shall negotiate said days with the Association.
- e. For unit members of designated positions whose health plan does not cover the cost of the Hepatitis B injection, the District shall provide the injection at no cost. Any designated unit member beginning the injection series provided by the District and not completing it for other than medical reasons will be charged for the medical cost incurred by the District. The following are designated positions as defined by the District's exposure control plan:

Athletic trainers and Coaches	School Nurses
Physical education teachers	SH/SDC teachers

- f. The District shall attempt to keep all school grounds and facilities free of rodents, pests, and unwanted insects. If insecticides or poisons are used for this purpose, the District shall make every attempt to post the pesticides' spraying schedule so that unit members at a site can be warned that the spraying will take place at the site and make every attempt to apply them at times when unit members and students are not present.
- g. The District shall make every effort to provide safe off-street parking facilities for all unit members. Reimbursement for vehicle damage shall be limited to payment of the deductible amount of the employee's insurance policy, not to exceed one hundred dollars (\$100), for damages resulting from malicious acts while the vehicle is parked or driven on District premises. Collision, theft of an entire vehicle or any optional equipment attached thereto such as a radio or tape deck, including tapes, cassettes, and hub caps, and damage to vehicle resulting from actual theft of the vehicle are specifically excluded from this coverage per Board Policy 3038 (3).

#### **Section 14.2-Student Suspension and Expulsion.**

- a. Suspension by Teacher (from class)- A bargaining unit member may suspend a pupil from class for the day of the suspension and the following day for any act that disrupts or diminishes the education process, including but not limited to any of the acts enumerated in Education Code Section 48900.
- b. The unit member shall immediately report the suspension to the school principal or designee and send the pupil to the principal or designee for appropriate action. The

teacher shall contact the parent or guardian of the pupil in a timely manner and ask the parent/guardian of the pupil to attend a parent/teacher conference regarding the suspension. The bargaining unit member is responsible for Education Code 48900.5 and imposing suspension only when other means of correction have failed.

- c. The pupil shall not be returned to the bargaining unit member's class during the period of suspension without the bargaining unit member's concurrence.
- d. The pupil shall not be placed in another regular class during the period of suspension. If the pupil is assigned to more than one class per day, this section shall only apply to classes scheduled during the same time as the class from which the student was suspended.

**Section 14.3-Suspension by Administration (from school).** The District will adhere to all sections of Education Code 48900 as it pertains to suspension.

**Section 14.4-Referral by Teacher.** When, in the judgment of the bargaining unit member, a student requires the attention of administrative staff or support personnel, the problem shall be referred to the principal or immediate supervisor, in writing, on the appropriate District form. Upon receiving a referral, the principal or immediate supervisor will respond in writing, on the appropriate District form, in a timely manner, and schedule a conference, if deemed necessary, to recommend steps for resolution of the problem.

**Section 14.5-Pupil Transportation.**

- a. The District may not require nor shall they request unit members to transport pupils in private vehicles.
- b. Should the District request or require that a unit member transport a pupil or pupils in a vehicle owned by the District, the District shall provide full primary liability coverage for any liability which may occur during such assignment.

**Section 14.6-Student Control.**

- a. A unit member shall exercise reasonable control, as necessary, to maintain order, protect property, or protect the health and safety of self, pupils, or others.
  - 1. Every unit member shall hold pupils to a strict account for their conduct on their way to and from school, on the playground, campus, or during recess and break periods (Ed Code 44807).
  - 2. Unit members shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of their duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise, but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning (Ed Code 44807).

**Section 14.7-Assault.**

- a. Unit members shall immediately report cases of assault suffered by them in connection with their employment to their principal or immediate supervisor. They shall also fill out the appropriate incident report. Any act of violence by a student against the unit member shall be dealt with in accordance with appropriate education code and criminal code sections within the California statutes. The District shall make every effort to cooperate in the prosecution of said individuals to the fullest extent of the law.
- b. The District shall provide in-service training on a voluntary basis to unit members wishing training on how to subdue assaultive pupils, break up student fights, and use conflict intervention skills.
- c. Upon request of a unit member, the District shall provide for the defense of any criminal charges, or tort, or other civil action or proceedings brought against a unit member, in his/her official or individual capacity or both, on account of an act or omission in the scope of his/her employment as an employee of the District.