

ARTICLE 16
SAFETY CONDITIONS OF EMPLOYMENT

16.1 Safety of Personnel

16.1.1 Bargaining unit members shall not be required to work in conditions or perform tasks that endanger their health, safety, or well-being.

16.1.2 Any abuse of school personnel, assault or battery upon school personnel or any threat of force or violence directed toward school personnel at any time or place which is related to school activity or school attendance shall be reported by employees to their immediate supervisor or designee, and the appropriate law enforcement authorities, shall be informed by the unit member and the administrator under whose direction or supervision the unit member works. Bargaining unit members who are physically assaulted shall be offered the opportunity to be released for the remainder of the school day without any reduction to their sick leave.

i. Definition of Assault: California Penal Code (CPC) 240-An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

Formatted: Font: Times New Roman, Not Bold

16.1.2 Employees shall be provided coverage under the terms and conditions of the District Workmen's Compensation program and illness leave provisions for any injury or illness arising out of, or in the course of, their employment.

16.1.3 First priority for repairs shall be given to repairs that affect health and safety in any classroom or other enclosed school areas where unit members have job related responsibility.

16.2 16.2 District Safety Committee:

16.2.1 The District will initiate a District Safety Committee during the 2022-2023 school year. AEA will have two participants on the committee appointed by the Union President. The District Safety Committee will meet at least quarterly during the calendar year. Depending on circumstances within the District the District Safety Committee may meet with more frequency. CSEA will be invited to participate in this committee. The District Safety Committee will review issues related to:

- Environmental Safety Concerns
- Physical Safety Concerns
- Employee Safety Concerns
- Student Safety Concerns

The District Safety Committee will work to understand safety needs across the District, provide insight to issues and concerns, and input and perspective from

Formatted: Font: Times New Roman

Formatted: List Paragraph, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 2 + Alignment: Left + Aligned at: 0" + Indent at: 0.29"

Formatted: Indent: Left: 0.5", Hanging: 0.5", No bullets or numbering

union members. The committee may develop potential recommendations to the Superintendent to increase safety across the District.

16.3 Safe Working Conditions

16.32.1 Unit members shall not be required to work in unsafe, unhealthy, or hazardous conditions, or to perform tasks that endanger their health, safety, or well-being, in violation of a final order of Cal-OSHA.

16.32.2 Unit members shall report unsafe conditions to their supervisor. The Association shall be notified of safety reports filed by unit members with the District. It is understood that bargaining unit members may exercise the amount of physical control reasonably necessary to protect themselves or to ensure the safety of other unit members.

An employee has the responsibility to submit written recommendations to the District regarding the maintenance of safe working conditions, facilities and equipment, repairs and modifications.

16.32.3 Upon receipt of written notification to the immediate supervisor, or verbal notification in emergency situations, the District shall mitigate, address, or correct any confirmed unsafe or hazardous condition as defined in relevant codes (i.e., health code, building code) as soon as possible but within no more than five (5) workdays. If the associated response does not mitigate the concern the unit member may then refer the raised concern and response to the District Safety Committee for review.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

16.32.4 Employees shall be provided report forms in order that they can complete reports required by the District relating to the violations described herein.

16.32.5 Unit members shall not be assigned to supervise cross walks that are not located on District property.

16.32.6 Unit members assigned to direct traffic or perform crosswalk duty on school property will be provided with a 2-way radio or other means of communication with office staff and administrators.

16.32.7 Each school site shall maintain an updated Comprehensive School Safety Plan in accordance with the provisions of California Education Code. Copies of the plan shall be available for review at each school site office.

16.32.8 Each class will be provided a two-way communication system that permits immediate contact with the site office. Such system will be maintained in good working condition at all times.

16.3 Student Discipline

- 16.3.1 As per Education Code Section 48910, a unit member may suspend a student from his/her class for reasons stated in California Education Code Section 48900 for a maximum of two (2) days (the day of suspension and the day following). The unit member shall immediately report the suspension to the principal and send the student to the principal or designee for appropriate action. The teacher shall contact the parent regarding the suspension.
 - 16.3.2 The student shall not be returned to the bargaining unit member's class during the period of suspension without the concurrence of the unit member and the principal.
 - 16.3.3 The student 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 apply only to classes scheduled during the same time as the class from which the student was suspended. (Ed Code 48910).
- 16.4 Reporting To Unit Members Regarding Violent Students.
- 16.4.1 The District shall inform unit members of each student who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in California Education Code 49079. Such information shall include the student's name, the nature of the violation, and the date(s) of the incident(s). Unit members shall maintain any information received pursuant to this provision in confidence for the limited purpose for which it is provided and shall not further disseminate it.
 - 16.4.2 Upon receipt, the District shall review the records of newly-enrolled students and notify unit members of pertinent information as described in Article 16.4.1 above.
- 16.5 Any alleged violation of this Article of the contract shall first be preceded by a written notice from the affected certificated personnel or the Association and shall allow five (5) business days for the District to correct any such alleged violation.