

ARTICLE XV - SAFETY CONDITIONS OF EMPLOYMENT

- A. The District shall provide safe working conditions in accordance with Federal and State requirements. All alleged violations of safe work conditions shall be reported to the employee's immediate manager or the District Safety Officer.
- B. The District shall post rules for safety and the prevention of accidents.
- C. If an unsafe condition has not been resolved by the District within a reasonable period of time, the employee may submit such alleged violation to the appropriate administrative agency, and shall not process a grievance.
- D. Incidents involving student assault and battery or attempted student assault and battery on staff shall be handled according to Appendix G., but not processed as a grievance. When the immediate manager or his/her designees become aware of a student's history of unprovoked attack on students or staff and/or incidents of assault and battery on staff and s/he reasonably believes that staff safety is in jeopardy, s/he shall provide essential information to the appropriate staff.

When an administrator becomes aware of a threat against a teacher, s/he shall take the threat seriously and immediately evaluate it for further action. The administrator shall conduct an investigation of the threat, in accordance with District established procedures, and inform the unit member of the results of the investigation and any action taken. If the administrator deems that the threat poses a risk to the safety of a unit member, s/he shall notify the unit member and the District Office. A plan shall be developed to protect the safety of the teacher. If the teacher is not satisfied with the determination at the site level, s/he may appeal to the administrator responsible for pupil personnel services at the District office for assistance in the matter.

The substance of disciplinary action taken by the District against students/persons committing assault/battery shall not be the subject of a grievance.

With respect to assault and battery in regard to a teacher, nothing contained herein shall preclude the rights of employees to exercise their lawful rights per Section 48901. of the Education Code.

- E. The District shall provide a legal defense for an employee in any litigation brought against an employee while acting within the scope of his/her employment, as provided by the Government Code and applicable insurance policy provisions.

Information in the possession of District pertinent to the litigation shall be readily available without cost to the employee unless contrary to law.