

## **DRAFT MDUSD Violence Prevention Plan (to become part of the MDUSD Injury & Illness Program-IIPP)**

### Overview

The individuals responsible for the implementation of this plan are the same individuals listed above who are responsible for implementation of the MDUSD Injury and Illness Prevention Program (IIPP) (and as they are also identified below by their position title/s).

MDUSD will use an electronic/digital system (i.e. a form created and maintained in Jotform) for identifying and evaluating workplace hazards, and for reporting safety threats (with a reminder to employees that they will be protected from retaliation if making any such report).

All reports of threats or incidences will be maintained centrally and electronically on the same system used to report incidents (i.e. Jotform) in order to monitor reports and where reports will be required to be marked complete in a timely manner (based on the severity of the hazard, per SB553).

The method and procedure for correcting unsafe/unhealthy conditions, or for reporting a violent incident, threat, or other workplace violence concern, in a timely manner will consist of the following:

An easy to find link or form on BOTH the MDUSD M&O website page, as well as on the MDUSD HR website page (under “forms” for current employees).

- An automatic copy will be emailed to the employee’s immediate supervisor, Bargaining Unit of the employee (if applicable), HR Management staff, all Elementary and Secondary Operations staff, the Executive Director of M&O, the workers Compensation Specialist, General Counsel, and a copy back to the employee.
- Automatic reminders will go to the Executive Director of M&O until the situation is fully resolved, and will not be marked as resolved until the hazard has been removed, or a report has been filed with law enforcement.
- The Executive Director of Maintenance and Operations (hereafter M&O) will work with the workers Compensation Specialist to schedule random and periodic inspections to identify unsafe conditions and work practices. All staff responsible for follow up (e.g. the Executive Director of M&O, and their staff) will be responsible for monitoring the completion of incidents/threats and a shared electronic document.

Per SB 553, unsafe and unhealthy conditions and work practices will be resolved in a timely manner based on the severity of the hazard

Each reported incident of safety hazard and violence will be investigated by either M&O or Human Resources.

Employees who report hazards or incidents of workplace violence will receive a notice of completions with the outcome of the report from M&O department staff for workplace hazards, and from HR Managers for reports of violence in a timely manner per SB 553, including but not limited to the results of the investigation, and any corrective actions to be taken as part of the employer’s responsibility

An occupational health and safety training program designed to instruct employees in general safe and healthy work practices and to provide specific instruction with respect to hazards specific to each employee’s job assignment will be provided as part of the beginning of the year information provided to all employees.

Employees will receive a reminder annual as part of the Annual notifications encouraging employees to report hazards at the worksite without fear of reprisal.

All employees will be expected to comply with safe and healthy work practices. Administrators will follow their normal procedures to communicate and accomplish compliance (e.g. discipline if necessary in the event of non-compliance)

Law enforcement contact information, and a reminder that employees may report any incident or hazard without fear of reprisal, will be included on the MDUSD reporting form to assist employees.

#### Procedures for Effectiveness Review & Active Involvement of Employees and Authorized Employee Representatives

A draft Violence Prevention Plan will be established by the Chief of HR by May 31<sup>st</sup>, 2024, and will be sent to each employee representative for each MDUSD bargaining group.

Feedback of the plan initial draft will be solicited from each bargaining unit.

All employees, unless otherwise determined by the collaborative work between MDUSD and bargaining unit representatives, will receive a copy of the plan prior to the first student day of 2024-2025. Any employee may submit feedback to the plan for consideration of the HR Department by responding to a feedback link that will be included in the initial distribution of the plan.

Each bargaining unit representative and MDUSD will be jointly involved in;

- reviewing the plan at least annually, or when a deficiency is observed or becomes apparent, and after a workplace violence incident (if the plan seems to not be working effectively).
- identifying, evaluating, and correcting workplace violence hazards,
- designing and implementing training,
- and in reporting and investigating workplace violence incidents.

#### Procedures to Develop and Provide the Training

The MDUSD HR Department will create a draft training plan as an online (possibly narrated) slide deck or as a video and/or as a written plan.

Each bargaining unit representative will receive this draft training plan no later than July 1, 2024 with a request for feedback in order to meet the requirements of SB 553. The HR Department will consider all feedback received (for the initial training) prior to July 31, 2024 from any bargaining unit leader, and thereafter in the normal HR and bargaining unit meetings as MDUSD and each unit monitor and improve this plan and to improve the training for this plan.

#### Electronic Reporting and Log of all incidents/hazards

The MDUSD log will record and track all hazards and reports of violent incidents.

For reports of violent incidents, the electronic form will allow for entry of, and include, all of the following:

(A) The date, time, and location of the incident.

(B) The workplace violence type or types as one of four types:

(I) "Type 1 violence," which means workplace violence committed by a person who has no legitimate business at the worksite, and includes violent acts by anyone who enters the workplace or approaches workers with the intent to commit a crime.

(II) "Type 2 violence," which means workplace violence directed at employees by customers, clients, patients, students, or visitors.

(III) "Type 3 violence," which means workplace violence against an employee by a present or former employee, supervisor, or manager.

(IV) "Type 4 violence," which means workplace violence committed in the workplace by a person who does not work there, but has or is known to have had a personal relationship with an employee.

(C) A detailed description of the incident.

(D) A classification of who committed the violence, including whether the perpetrator was a client or customer, family or friend of a client or customer, stranger with criminal intent, coworker, supervisor or manager, partner or spouse, parent or relative, or other perpetrator.

(E) A classification of circumstances at the time of the incident, including, but not limited to, whether the employee was completing usual job duties, working in poorly lit areas, rushed, working during a low staffing level, isolated or alone, unable to get help or assistance, working in a community setting, or working in an unfamiliar or new location.

(F) A classification of where the incident occurred, such as in the workplace, parking lot or other area outside the workplace, or other area.

(G) The type of incident, including, but not limited to, whether it involved any of the following:

(i) Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.

(ii) Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.

(iii) Threat of physical force or threat of the use of a weapon or other object.

(iv) Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.

(v) Animal attack.

(vi) Other.

And...

(H) Consequences of the incident, including, but not limited to:

(i) Whether security or law enforcement was, at this point in time, contacted and their response.

(ii) Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.

(I) Information about the person completing the log, including their name, job title, and the date completed.

NOTE - The MDUSD system will also allow employees to report the accusation of retaliation for any submitted report.

## Training

MDUSD shall;

- train all employees when the training program is first established, and annually thereafter,
- all new employees
- all employees given a new job assignment, and...
- and shall train employees whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard,
- and whenever the employer receives notification of a new or previously unrecognized hazard.

MDUSD shall provide employees with training on all of the following:

(A) The employer's plan, how to obtain or find a copy of the employer's plan at no cost, and how to participate in development and implementation of the employer's plan.

(B) The definitions and requirements of this section.

(C) How to report workplace violence incidents or concerns to the employer or law enforcement without fear of reprisal.

(D) Workplace violence hazards specific to the employees' jobs, the corrective measures the employer has implemented, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm.

(E) The violent incident log required, and how to obtain copies of records

(F) An opportunity for interactive questions and answers with a person knowledgeable about the employer's plan.

NOTE - Additional training shall be provided when a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the plan. The additional training may be limited to addressing the new workplace violence hazard or changes to the plan.

## Periodic Inspections

The Executive Director of M&O, other M&O staff as selected by the Executive Director, and the Workers Compensation Specialist shall conduct periodic Inspections where periodic is defined as occurring minimally on trimester intervals at least 1 or more Elementary and Secondary sites every trimester.

## Employer and Employee Occupational Safety and Health Committee

The current periodic (e.g. monthly) existing meetings between each MDUSD bargaining unit will also serve as mini Employer and Employee Occupational Safety and Health Committees until further regulations stipulating greater requirements are released (if those requirements cannot be met in this format/structure).

Each bargaining unit leader/representative will be jointly responsible with their corresponding HR manager to review any pending incidents or the results of causes of incidents resulting in injury, illness, or exposure to hazardous substances; and investigation of any alleged hazardous condition brought to the attention of MDUSD staff through this plan.

Verification of abatement action taken by the employer will be recorded on the electronic report log and incidents will not be recorded as complete without detail of the resolution to each report or incident.

their participation in identifying, evaluating, and correcting workplace violence hazards

### Definitions

For purposes of the MDUSD Violence prevention Plan, the following definitions apply:

- (1) “Emergency” means unanticipated circumstances that can be life threatening or pose a risk of significant injuries to employees or other persons.
- (2) “Engineering controls” mean an aspect of the built space or a device that removes a hazard from the workplace or creates a barrier between the worker and the hazard.
- (3) “Log” means the violent incident log required by this section.
- (4) “Plan” means the workplace violence prevention plan required by this section.
- (5) “Threat of violence” means any verbal or written statement, including, but not limited to, texts, electronic messages, social media messages, or other online posts, or any behavioral or physical conduct, that conveys an intent, or that is reasonably perceived to convey an intent, to cause physical harm or to place someone in fear of physical harm, and that serves no legitimate purpose.
- (6) (A) “Workplace violence” means any act of violence or threat of violence that occurs in a place of employment.
- (B) “Workplace violence” includes, but is not limited to, the following:
  - (i) The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury.
  - (ii) An incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury.
- (C) “Workplace violence” does not include lawful acts of self-defense or defense of others.
- (7) “Work practice controls” means procedures and rules which are used to effectively reduce workplace violence hazards.
- (8) “Training” may be in-person, video/online, and/or as written documents to staff

### Effective procedures to respond to actual or potential workplace violence emergencies

In the event that a workplace hazard is identified, the site administrator will be required to notify employees that may be exposed to such hazard/s of the presence of a known or potential hazard.

In the event of a workplace violence emergency, site administrators will follow their normal board approved school site safety plans, and will alert employees of the presence, location, and nature of workplace violence emergencies if employees are determined to be at risk from a workplace violence emergency.

All staff will be informed each year at the beginning of the year, including new staff, of site evacuation or sheltering plans that are appropriate and feasible for the worksite.

How to obtain help from staff assigned to respond to workplace violence emergencies, if any, security personnel, if any, and law enforcement.

### Other

Records of workplace violence hazard identification, evaluation, and correction shall be created and maintained for a minimum of five years.

Information that is recorded in the log for each incident shall be based on information solicited from the employees who experienced the workplace violence, on witness statements, and on investigation findings. The employer shall omit any element of personal identifying information sufficient to allow identification of any person involved in a violent incident, such as the person's name, address, electronic mail address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the person's identity.

Training records shall be created and maintained for a minimum of one year and include training dates, contents or a summary of the training sessions, names and qualifications of persons conducting the training, and names and job titles of all persons attending the training sessions.

Violent incident logs shall be maintained for a minimum of five years.

Records of workplace violence incident investigations shall be maintained for a minimum of five years. These records shall not contain "medical information," as defined in subdivision (j) of Section 56.05 of the Civil Code.

All records of violence hazard identification, evaluation, correction, attendance of training records and violent incident logs shall be made available to employees and their representatives, upon request and without cost, but may be redacted in order to omit the names and other identifiable information of individuals.

NOTE - This plan shall be in writing (posted online) and shall be available and easily accessible to employees, authorized employee representatives, and representatives of the division at all times. The plan shall be in effect at all times and in all work areas and be specific to the hazards and corrective measures for each work area and operation. The written plan will be incorporated as a stand-alone section in the MDUSD written injury and illness prevention program required by Section 3203 of Title 8 of the California Code of Regulations or maintained as a separate document.