

ARTICLE 10

SAFETY

10.1 Unsafe or Hazardous Conditions

10.10.1 Unit members shall not be required to work under unsafe or hazardous conditions violating a final order of CAL-OSHA or to perform tasks which endanger their health or safety.

10.2 Reports

10.2.1 Each unit member may report, in writing, (on the "Request for Response - Adverse Working Conditions" form - Appendix G), any adverse conditions in their working environment, including matters related to classroom temperature. The employee shall file the report simultaneously with the following persons:

Immediate Supervisor/Principal
Assistant Superintendent for the affected grade level
Chief Business Officer
MDEA President

10.2.2 Such report shall be filed within ten (10) working days of the time the unit member might reasonably have been expected to know of the adverse working condition which is the basis of the unit member's complaint. The unit member shall receive a written District response within ten (10) work days stating what action will be taken to correct the situation or, if no action is to be taken, the reasons why. If the unsafe conditions complained of are not corrected or a program leading to correction is not agreed to by the unit member, they may pursue the complaint under the following procedure:

10.2.2.1 Within five (5) working days of receipt of the District response provided above, the unit member may appeal in writing to the Assistant Superintendent for the affected grade level, who shall issue a written response to the appeal within five (5) working days after receipt.

10.2.2.2 If the unit member is dissatisfied with the response issued in §10.2.2.1 above, Association may, within five (5) working days of receipt of such response, appeal the matter directly to binding arbitration pursuant to Article 3, §3.10 (Formal Grievance Step 3).

10.2.2.3 The parties are encouraged to and may at anytime during this process meet to attempt to resolve the issue.

10.2.2.4 The process provided in this section (§10.2) is the exclusive procedure for resolving complaints under Article 10 (Safety).

10.3 Priority of Repairs

- 10.3.1 First priority shall be given to repairs that affect safety in any classrooms or other enclosed school areas where unit members have job-related responsibility.

10.4 Assaults

- 10.4.1 Unit members shall immediately report cases of assault suffered by them in connection with their employment to their principal or other immediate supervisor, who shall immediately report the incident to the police and take appropriate action, as specified in the California Education and Penal Codes, to provide for unit member safety. Simultaneously, the unit member shall complete the "Employee Report of Assault" form. Such notification shall immediately be communicated to the Superintendent or designee(s). Upon receipt of such a report, the site administrator shall inform the unit member that the report will be forwarded to the Association.

10.5 Discipline Policy

- 10.5.1 In order to provide for unit member safety, the Board on the first day of each school year shall present to each unit member copies of the Student Conduct and Discipline Policies which provide a description of the rights and duties of all students, parents, administrators and unit members.
- 10.5.2 The principal of each school site shall meet with their faculty prior to the close of the student school year, for the purpose of reviewing the school procedures for student discipline. At that meeting, the faculty shall be given the opportunity to provide input on the discipline procedures.
- 10.5.3 On one of the pre-service days of each school year, the principal shall provide each unit member a written copy of the school procedures for student discipline. These procedures shall be accompanied with copies of teacher referral forms, forms for Teacher Notice of Pupil Suspension, and Parent Conference Request forms.
- 10.5.4 Any unit member who refers a student for disciplinary reasons shall receive, upon request, in a timely manner, a written statement from the administrator in charge, what action, if any, was taken to resolve the problem which caused the referral.

10.6 Physical Control

- 10.6.1 Unit members may exercise the amount of physical control reasonably necessary to protect themselves, or to ensure the safety of other unit members or students.

10.7 Student Records

- 10.7.1 Unit members shall be informed of the record of a student's behavior when a student is administratively transferred for disciplinary reasons at the time the student is enrolled.

10.8 Specialized Health Care

- 10.8.1 Specialized physical health care services as used in this section include, but are not limited to the following procedures: urinary catheterization, gavage feeding, endotracheal or oral suctioning. These specialized physical health care procedures are further described in the Guidelines and Procedures for Meeting the Specialized Physical Health Care Needs of Students, California Department of Education, 1990.
- 10.8.2 General Provisions
- 10.8.3 Prior to being required to perform or assume responsibility for a specialized physical health care procedure, a unit member shall be provided the following:
 - 10.8.3.1 A written statement from the parent/guardian of the pupil requesting that the District provide the specialized physical health care procedure.
 - 10.8.3.2 A written statement from a physician explaining the purpose and method of the procedure.
 - 10.8.3.3 Training in the specialized physical health care procedure provided by the school nurse, public health nurse or licensed physician and surgeon.
 - 10.8.3.4 Written verification that the unit member has received the training necessary to perform the designed procedure(s).
 - 10.8.3.5 Supervision by the school nurse, public health nurse or licensed physician and surgeon.
 - 10.8.3.6 A copy of the specialized physical health care procedure from Guidelines and Procedures for Meeting the Specialized Physical Health Care Needs of Students, California Department of Education, 1990.
- 10.8.4 Inservice Training
- 10.8.5 In accord with E. C. §49423.5, the District shall provide affected unit members training in the following areas:
 - 10.8.5.1 Procedures required to meet the student's specialized physical health care needs.
 - 10.8.5.2 Cardiopulmonary resuscitation

10.8.5.3 Community emergency resources

10.8.6 Medication Administration in the School

10.8.7 All unit members shall be informed of procedures regarding the administration of prescription or other medications to students.