

ARTICLE XXVIII

SAFETY

1.0 General Provisions: With faculty participation, each site shall develop (and annually review) its School Emergency Operations Contingency Plan and current Safe School Plan (see Bulletin No. 53, Office of School Operations) for distribution to each employee. These plans are expected to cover contingency plans, including the responsibilities of the various employees, for a wide variety of safety risks, including but not limited to fire, earthquake, flood, civil disturbance, and emergency closings. These plans shall also include procedures for the release of employees from the site. When preparing these plans, each site shall take into consideration health and safety for persons with disabilities. Within the first three months of each school year the plans referenced above shall be reviewed at each site and whatever training is required by the plan shall take place.

~~1.0~~ General Provisions

1.1 It is the District's commitment to provide safe working conditions for employees within the operational and financial limitation that may exist within the District. The District shall make every reasonable effort to provide school facilities that are clean, safe, and maintained in good repair and to otherwise maintain a safe place of employment. Pursuant to relevant laws, rules and regulations referenced herein, employees shall not be required to work under unsafe or hazardous conditions or perform tasks which endanger their health and safety.

1.2 Each site shall establish a School Safety Planning Committee. The UTLA Chapter Chair/designee may choose to be a member of the committee. With faculty participation, each site's School Safety Planning Committee shall develop (and annually review) a current Safe School Plan (see REF -1242.5, Office of Environmental Health and Safety, 2008-2009 Update of Safe School Plans) for distribution to each employee. These plans are expected to cover contingency plans including the responsibilities of the various employees, for a wide variety of safety risks, including but not limited to fire, earthquake, flood, civil disturbance, and emergency closings. These plans shall also include procedures for the release of employees from the site. When preparing these plans, each site shall take into consideration health and safety for persons with disabilities. Within the first three months of each school year the plans referenced above shall be reviewed at each site and whatever training is required by the plan shall take place.

1.3 When a new school is to be opened the District shall provide the UTLA Area Chair with a copy of the preliminary Safe School Plan following its completion.

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1.4 The District shall conform to and comply with all other health, safety, and sanitation requirements imposed by local, state or federal law or regulations adopted pursuant thereto including the California Occupational Safety and Health Act (CAL-OSHA), as amended (California Labor Code Section 6300, et. seq.) regulations relating thereto (California Administrative Code, Title 8, Sections 330, et. seq.), Chapter 2 of Part 19 of the California Education Code relating to School Safety, Article 3.6 (commencing with Sections 32228, and Article 3.8 (commencing with Section 32239.5). Recitation of these and related laws herein is for reference only and *not* for purposes of incorporation into the Agreement.

1.5 The District shall provide Safe School Plans (Volume I and II) to each school to be made readily available (subject to confidentiality requirements) to all unit members, including but not limited to placement of copies in the school office and faculty lounge and access via the LAUSD website. Other means of distribution or access to the Safe School Plans may be established within the plans.

- a. Volume I of the Safe School Plan addresses Campus Safety and Violence Prevention programs. Volume II addresses Emergency Preparedness.
- b. A “quick reference guide” to Volume II of the Safe School Plan shall be distributed to all unit members at each site as soon as the Plans have been updated for that year. The quick reference guide shall be tailored to that site.

1.6 In addition to the Special Grievance Procedures contained in section 7.0 **5.0** of this Article, other avenues of inquiry, complaint and appeal regarding health and safety issues exist in the District. For frame of reference only (and *not* for purposes of incorporation into the Agreement) these are:

- a. Procedures for Reporting School Cleanliness Issues (MEM-2093, 11/7/05)
- b. Williams Complaint Procedures (BUL-2362.6, 11/30/07)
- c. Safe School Plans, Volumes I and II (REF-1242.5, 8/15/08)

1.7. The District shall make available to UTLA and every site, via the LAUSD website, information, rules and templates related to the California Administrative Code, Title 8, Section 3203 requirements regarding an Injury and Illness Prevention Program (lausd-oehs.org).

1.8 The District shall make available to UTLA and every site via the LAUSD website all reports, correction notices deficiency notices, or “self-certified corrections” resulting from an OEHS inspection (lausd-oehs.org).

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1.9 The District shall provide reasonable packing and moving assistance to any employee who is required by OEHS to vacate his/her classroom or worksite.

2.0 No employee shall be discriminated or retaliated against as a result of reporting alleged unsafe or hazardous conditions. Allegations of such discrimination/retaliation may be processed according to the policies/procedures referenced in section 1.7 above, or through Article V (Grievance Procedure) and not under section 7.0 of this Article. Once an employee chooses which process to utilize (policies/procedures or Article V), this shall be his/her exclusive forum.

3.0 Environmental, Health, Safety and Violence Prevention Joint Committee

3.1 A District Environmental, Health, Safety and Violence Joint Committee shall be established with no more than five (5) appointees by each party. A Committee Chair shall be appointed by the Committee. UTLA representatives on the Committee/Task Force will be released pursuant to Article IV, Section 4.0. This committee shall review environmental, health, safety and violence prevention issues that may have an impact on District worksites and employees. Except in situations requiring immediate action for environmental, health, safety, or violence prevention reasons, the District shall, prior to implementation of new or revised policies and rules, discuss them in this Committee.

3.2 It is the intent of the parties that the Committee forward recommendations, if any, to the District and the Union regarding mitigation strategies and courses of action to address issues of concern as determined by the Committee with regard to environmental health, safety and violence prevention. This shall occur within six months of the first meeting of the Committee following contract ratification, or at such other time as determined by the Committee.

4.0 Renovation, Modernization and New Schools

4.1 The District will notify UTLA of community outreach meetings at which potential sites for new schools are to be discussed.

4.2 UTLA may, in its discretion, appoint one or more UTLA employees to act as liaisons to the District regarding the construction of new schools and remodels of or renovations/new additions to existing schools ("school construction").

4.2.1 It is the intent of the parties that the individual(s) serving in this capacity will become familiar within areas related to school construction and serve as information conduits between the District and unit members at affected school sites.

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4.2.2 It is the intent of the parties that such individual(s) will have the opportunity for ongoing consultation with designated District personnel regarding matters related to school construction.

5.0 Special Grievance Procedures: If, after giving notice to the site administration, the employee believes that an unsafe or hazardous condition persists, the employee may file a grievance (see the Step One time limits of Article V). Within two (2) days of receiving the grievance the site administrator shall meet with the grievant in an attempt to resolve the matter, and by the end of the day next following that meeting the administrator shall issue a written response to the grievant. If the response does not resolve the matter, the grievant may within three (3) days file a written appeal with the appropriate Local District Superintendent or designee and UTLA Area Chair. Within three (3) days after receipt of the appeal the Local District Superintendent (or designee) shall hold an appeal meeting to discuss the matter and shall announce a decision by the end of the day following. The announcement shall be in person or by telephone, with an immediate confirming letter sent to the employee and representative, if any. Within two days after the administrator's appeal decision is announced, UTLA must, if it wishes to arbitrate the matter, notify the District of its intention. UTLA and the District shall then select an arbitrator and calendar the dispute for expedited arbitration pursuant to Article V, Section 15.0. In view of the District's limited available funds and the need of the District to prioritize maintenance and capital improvement projects, it is agreed that the sole issue for arbitration shall be the determination as to whether an unsafe or hazardous condition exists, or whether an employee(s) has/have been required to perform tasks that endanger his/her/their health and safety. The arbitrator shall be authorized to include a remedy in his/her award if in his/her opinion the unsafe etc. condition can be corrected at a cost not to exceed \$25,000 for each case, controversy or issue. If the arbitrator determines that correction would exceed \$25,000, he/she shall not include any remedy in the award, which shall then be forwarded to the Committee set forth in section 3.0 of this Article. The Committee shall make a joint recommendation for resolution of any unsafe or hazardous condition identified by the arbitrator and make its recommendation to both the Superintendent and the UTLA President within fourteen (14) work days of receipt of the arbitrator's decision.

6.0 Emergency Closure: In the event a school is closed due to an emergency the employees shall, typically, be reassigned on a temporary basis to another location as outlined in Article XXVIII-A. If a school is evacuated during the school day, employees shall suffer no loss of pay or accumulated leave for that day.

7.0 Employee/District Responsibility: Employees shall immediately notify site administration and site administration shall immediately notify employees of any unsafe or hazardous conditions at the site. Upon notification, the district shall take immediate steps to investigate and correct an unsafe or hazardous condition. In an emergency situation, employees may take reasonable preliminary action to protect students, other employees and themselves.

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8.0 Responding to Emergency Circumstances at a School-Site(s):
In the event of emergency circumstances that cause a prolonged disruption at a school site(s), a meeting will be held with the faculty to review the incident, provide pertinent updates and resources as determined by District Operations within 48 hours following the disruption or serious event.