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ARTICLE 11 - SAFETY CONDITIONS

PEA Proposal No. 2

November 16, 2023

11.1 Safe Working Conditions

- 11.1.1** Bargaining unit members shall not be required to work in unsafe conditions or to perform tasks that endanger their health, safety or well-being. The District shall comply with all safety requirements imposed by proper authority (i.e., fire marshal, CalOsha, etc.) in assuming the responsibility for the safety of employees while they are in District facilities provided in furtherance of the operation of the District. The District shall provide training for all unit members on the Active Shooter Response training within the first thirty (30) workdays of each school year.
- 11.1.2** Bargaining unit members who believe they are being required to work under unsafe conditions or to perform tasks, which endanger their health or safety, shall report such conditions to their immediate supervisor. Within three (3) workdays of the report, the District shall investigate and determine if the situation is safe or unsafe. If necessary, the District shall initiate corrective actions within five (5) workdays to provide safe conditions. .
- 11.1.3** Before the first student attendance day of school, each school year, the District shall provide, publish and post rules for safety and the prevention of accidents, provide protective devices where they are required for the safety of employees and provide safety equipment where such equipment is necessary for the conduct of the educational program and the operation of the schools and inform unit members assigned to the site, the location of the safety rules (posters) and location of safety equipment.



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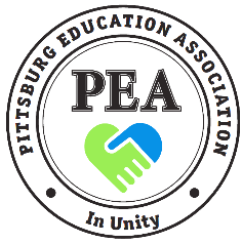
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- 11.1.4** The Superintendent or designee, upon request, shall consult with the Association representative regarding the preparation of regulations covering the safety of employees in performance of their duties.
- 11.1.5** The Superintendent or designee shall be responsible for the distribution of safety rules for all personnel concerned and shall appoint a District safety officer to oversee the condition of the District facilities. No later than the first student day of every school year, each site administrator or designee will inform unit members assigned to the site, the identity of the person designated as the Site Safety Liaison.
- 11.1.6** The District shall provide each classroom with fully stocked first aid kits with basic first aid supplies and disaster materials no later than the first teacher workday of each school year. Additionally, the District shall ensure that disaster preparedness materials such as blankets, bullhorn, radios, water, rope, food packages and the like are available at the school site. The bargaining unit member will notify their immediate supervisor and/or the Site Safety Liaison of the need for replacements or a replacement kit as needed during the contract year or not later than the end of the contract year. All perishables shall be replaced by the District prior to its expiration date.
- 11.1.7** The District's intent is that each classroom shall be provided telecommunications equipment to be available for bargaining unit members when safety issues arise. Each classroom shall be provided with a walkie-talkie to use when covering duties outside of the classroom and in the event of a power outage, or other emergency that interrupts normal telecommunications.
- 11.1.8** The District shall make reasonable, diligent, and timely attempts to keep all school grounds and facilities free of unwanted rodents, pests, and insects. If insecticides or poisons are used, the District shall make available to bargaining unit members the names of the chemicals to be used in advance of this application. Pesticides and insecticides shall be applied only at times when employees and pupils are not present.



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- 11.1.9** In the event of a District or other governmental entity determined emergency closure of District facilities, including, but not limited to natural disaster, quarantine, or government order, bargaining unit members shall receive their daily rate of pay and benefits. If make-up days are required, the District shall negotiate the calendar placement of said days with Association.
- 11.1.10** Bargaining unit members who are assigned to work with students who are prone to exhibit violent behavior shall be encouraged to voluntarily participate in assault prevention training at no cost to the unit members.
- 11.1.11** In the event that the District publishes an Employee Handbook that includes any safety item that is a mandatory subject of bargaining, the District and the Association shall meet to bargain the effects of those items.
- 11.1.12** Each school site shall post in each classroom the emergency preparedness flip chart. The emergency flip chart shall also be posted in unit members work space that is not a classroom before students arrive for the first day of school. Each site shall provide an electronic copy of the school site safety plan and the emergency operation plan as well as a hard copy of the current school site plan and the emergency operation plan to every site member at the beginning of the school year. The school site safety plan shall be reviewed at the first extended staff meeting day of each school year. Any new changes after the review shall be communicated with staff within five (5) working days of change. If a unit member is assigned a duty within the emergency operation plan, that unit member must be trained regarding the assigned duty during the duty day within the first thirty (30) workdays of each school year. The site plan shall be updated annually. PEA may choose to assign up to three unit members (one from elementary, one from junior high and one from high school) to participate on the district safety committee.
- 11.1.13** When a unit member officially refers a student to site administration for misbehavior, the unit member who wrote the referral shall be notified by the site administrator of the action and response given to student



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within forty-eight hours (48) of the referral.

11.3 Assault

11.3.1 Bargaining unit members shall immediately, if possible (otherwise within no more than 24 hours), report to their supervisor or designee any incident of attack, assault or menace where they are the victim or a witness. The supervisor or designee shall report the incident to the appropriate enforcement authority and also inform the Superintendent's office as soon as possible. Nothing in this section shall preclude an individual unit member from filing a report with the proper authorities. The District shall take all appropriate steps required under law to protect unit members against attack, assault, or menace while at work, and take prompt action to respond to any such incidents under the Education Code. **Any student that has committed a physical threat and/or assault on a bargaining member or is possibly under the influence of drugs or possessing a weapon, the student shall be immediately removed for the safety of the bargaining unit member and other students. The student may be returned to the classroom, when appropriate, after an administrator has assessed the issues, provided any necessary consequences, and consulted with the bargaining unit member.**

11.3.2 In the event that civil charges are brought against bargaining unit members in connection with an assault that happens within the course and scope of their employment he/she shall be provided a legal defense as authorized by the relevant Government Code provision.

11.3.3 The workers compensation laws with respect to wages and benefits shall cover absence and/or disability arising out of an assault upon a unit member.

11.3.4 Unit members who have students in their class with a documented history of causing or attempting to cause serious bodily injury shall be informed electronically as required by law, within five (5) workdays after the District receives such information.

11.3.5 Each site shall have a binder with a record of students who have committed



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violent acts per Education Codes 49079. The binder shall be updated on a monthly basis. The binder shall be kept in the site office and accessible to all unit members. All unit members shall have electronic access to review data records of students who have committed violent acts per Education Codes 49079 for the teacher of record or unit members that provide direct services. 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 the information. Within the first thirty (30) days of each school year, all unit members shall be trained on how to access electronic data where the student violent acts are recorded for the purposes of accessing data of students for which they are the teacher of record or to whom they provide direct services. The Association and the District agree that direct services mean you are responsible for teaching and supervising the student in your classroom.

11.4 Pupil Transportation

11.4.1 No bargaining unit member shall be required to transport pupils in their privately owned vehicles except in the case of an emergency.

11.4.2 Unit members who transport students in District vehicles, within the course and scope of their employment, shall be primarily covered by District vehicle insurance.

11.5 Non Discrimination: No bargaining unit member shall be discriminated against as a result of reporting a condition believed to be unsafe.

11.6 Suspension of Students: All school board policies and procedures for suspension of students shall be made available at each school site, and relevant Education Code provisions for suspension of students shall be placed in the Appendix of this Agreement. (See Appendix "A")