Mt. Diablo Unified School District

Workplace Violence Prevention Plan

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Purpose

The aim of the Workplace Violence Prevention Plan (WVPP) is to establish a clear, accessible, and actionable process for promptly addressing instances of workplace violence. In addition to MDUSD existing safety and security policies, the WVPP outlines specific measures for identifying, reporting, tracking, and analyzing violent incidents to minimize the risk of recurrence.

Background

California Senate Bill 553 (SB 553) mandates that workplaces in California must have a policy in place to address the increasing occurrences of violence at work sites. SB 553 outlines various employer obligations.

SB 553 has multiple requirements of an employer which can be broadly grouped into two categories:

- **Pre-violent incident activities** - Pre-violent incident activities include all employee education and training with awareness as to how to recognize a violent incident, how to elevate an issue, and ongoing communication with employees on workplace violence.
- **Post-violent incident activities** - Post-violent incident activities include completion of a violent incident report by the site administrators or supervisor, completion of a violent incident log, and ongoing evaluation of incidents with issue identification and hazard correction.

Goal of the Workplace Violence Prevention Plan

The goal of implementing a Workplace Violence Prevention Plan (WVPP) is to decrease violent incidents at MDUSD locations. This objective will be accomplished by enhancing employee awareness, diligently identifying, and reporting violent incidents, tracking such incidents, and taking corrective actions when potential hazards are identified.

Definitions:

- **Emergency** - Unanticipated circumstances that can be life threatening or pose a risk of significant injuries to employees or other persons.
- **Engineering controls** - An aspect of the built space or a device that removes a hazard from the workplace or creates a barrier between the employee and the hazard.
- **Log** - The violent incident log required by LC section 6401.9.
- **Plan** - The workplace violence prevention plan required by LC section 6401.9.
- **Serious injury or illness** - Any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by an accident on a public street or highway, unless the accident occurred in a construction zone.
- **Threat of violence** - 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.

- **Work practice controls** - Procedures and rules which are used to effectively reduce workplace violence hazards.
- **Workplace violence** - Any act of violence or threat of violence that occurs in a place of employment. Workplace violence includes, but is not limited to, the following:

    1. 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.

    2. 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.

The MDUSD WVPP addresses the hazards known to be associated with the four types of workplace violence as defined by Senate Bill 553. For reporting and analyzing events, the WVPP adopts the definitions of workplace violence as outlined in SB 553. These definitions are consistently utilized throughout training and reporting activities.

The types of violence categorized include:

- **Type I. Violence by Strangers**
  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 employees with the intent to commit a crime.
  Example: A Ground Maintenance Worker assaulted by a stranger while working outdoors.

- **Type II. Violence by Customers/Clients**
  Workplace violence directed at employees by customers, clients, patients, students, or visitors; or by employees at customers.
  Example: A school staff member being physically assaulted by a parent.

- **Type III. Violence by Current or Past Coworkers**
  Workplace violence against an employee by a present or former employee, supervisor, or manager.
  Example: Co-worker violence. Disgruntled employee returning to worksite to do harm.

- **Type IV. Violence by someone with Personal Relations with an Employee**
  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.
  Example: Domestic abuse situations where partner comes to worksite to do harm.

Workplace violence encompasses not only acts of violence but also threats of violence or harm. It involves any behavior, whether verbal or physical, that causes individuals to reasonably fear for their safety or the safety of their immediate family members. However, workplace violence does not include acts of lawful self-defense or defense of others.

Responsibilities

The Executive Director of Human Resources and Risk Management has the authority and responsibility for implementing the provisions of this plan for MDUSD. The Human Resources Analysts and Workers' Compensation Specialist are responsible for supporting implementation, monitoring training requirements, maintaining the Workplace Violence Incident Log; provide support in investigations, corrective actions, and hazard identification reviews; and record keeping.

Names and/or job title of the persons responsible for implementing and maintaining the plan:

Person Responsible	**Job Title**	**WVPP Responsibilities**	**Phone#**	**Email**
Leanee Medina Estrada	Executive Director, Human Resources and Risk Management	Plan Administrator	925-682-8000 (x40120)	medinaestradal@mdusd.org
Cari Cruz	Workers' Compensation Specialist	Support implementation, monitor training requirements; maintain incident log; follow-up on investigations, corrective actions and hazard identification review, and record keeping.	925-682-8000 (x40006)	cruzc@mdusd.org
Lupe Hernandez	Human Resources Analyst	Support implementation, monitor training requirements; maintain incident log; follow-up on investigations, corrective actions and hazard identification review, and record keeping.	925-682-8000 (x40105)	hernandezlupe@mdusd.org

Person Responsible	Job Title	WVPP Responsibilities	Phone#	Email
Anna Miles	Human Resources Analyst	Support implementation, monitor training requirements; maintain incident log; follow-up on investigations, corrective actions and hazard identification review, and record keeping.	925-682-8000 (x40104)	milesa@mdusd.org

The WVPP administrator and their designees will work collaboratively with administrators and supervisors to provide guidance and support as needed to employees affected by workplace violence.

Administration

All administrators and supervisors are responsible for implementing and maintaining the WVPP in their work areas. In addition, they are also responsible for the following:

- Answering employee questions about the WVPP.
- Ensure that workplace security policies and protocols are effectively communicated and understood by all staff.
- Ensuring a secure work environment, identifying security risks, assessing staff training needs, handling incident reporting, investigations, and follow-ups.
- Completing the Violent Incident Report with the affected employee before submitting to the Plan Administrator or designee for investigation follow-up and violent incident log completion.

Employees

All employees are responsible and will be accountable for following safe work practices, and for assisting in maintaining a safe and secure work environment.

It is the responsibility of every employee to immediately report all acts of workplace violence or threat of violence to their supervisor or manager without fear of reprisal. The initial report must be followed up with the Workplace Violence Reporting Form within 24 hours of the incident.

Employees should feel comfortable discussing workplace hazards or violence concerns with management without fear of retaliation. Any questions regarding their rights and responsibilities in this regard should be directed to their immediate supervisor.

Ensuring Employee Compliance

Our system to ensure that employees comply with the rules and work practices that are designed to make the workplace more secure, and do not engage in threats or physical actions which create a security hazard for others in the workplace, includes:

- Mandatory training for employees, supervisors, and managers in the provisions of MDUSD WVPP.
- Provide retraining to employees whose safety performance is deficient with the WVPP.
- Non-compliance with the WVPP and policies against workplace violence may lead to disciplinary action, including termination and legal prosecution.

Employee Active Involvement

MDUSD shall obtain the active involvement of employees and their authorized employee representatives in developing, implementing, reviewing, and revising the WVPP, including, but not limited to, through their participation in identifying, evaluating, and correcting workplace violence hazards, in designing and implementing training, and in reporting and investigating workplace violence incidents.

All employees will follow all workplace violence prevention plan directives, policies, and procedures, and assist in maintaining a safe work environment as outlined in the MDUSD WVPP.

The plan shall always be in effect and in all work areas and be specific to the hazards and corrective measures for each work area and operation.

Education, Training, and Communication

Creating a workplace environment that can recognize and diminish workplace violence requires ongoing education and recognition of diligent safety practices. Continuous engagement with the WVPP by supervisors and staff can aid in plan adherence.

Education/Training

All employees, including managers and supervisors, will have training and instruction on general and job-specific workplace violence practices. Training and instruction will be provided when the WVPP Is first established and annually thereafter and as follows:

- Whenever 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.

Topics will include:

- How to report workplace violence incidents or concerns to the employer or law enforcement without fear of reprisal.
- Workplace violence hazards specific to the employees' jobs, the corrective measures MDUSD has implemented, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm.
- The violent incident log and how to obtain copies of records pertaining to hazard identification, evaluation and correction, training records, and violent incident logs.

Communication

Departments should maintain open communication with employees regarding safety concerns. Ongoing communication will be facilitated through various means such as meetings, newsletters, emails, or bulletins.

If updates are made to the WVPP post-incident analysis, these revisions will be promptly communicated to employees.

Administrators and Supervisors should be familiar with the incident report and receive specialized departmental training on how to complete and submit the report within designated timelines. They are required to review the Violent Incident Reports submitted by an affected employee before it is forwarded to WVPP Administrator or their designee for further investigation and completion.

In order to facilitate a continuous flow of workplace violence prevention information between management and staff the following procedures will be followed:

- New employee orientation includes workplace violence prevention policies and procedures.
- Annual workplace violence prevention training.

- Effective communication between employees and supervisors about workplace violence prevention and violence concerns.
- Posted or distributed workplace violence prevention information.
- Instruction on how employees can report a violent incident, threat, or other workplace violence concern to employer or law enforcement without fear of reprisal or adverse action.
- Employees will not be prevented from accessing their mobile or other communication devices to seek emergency assistance, assess the safety of a situation, or communicate with a person to verify their safety. Employees' concerns will be investigated in a timely manner, and they will be informed of the results of the investigation and any corrective actions to be taken.
- Updates on the status of investigations and corrective actions are provided to employees through email. These updates could include information about the progress of investigations, the results of investigations, and any corrective actions taken.

Employee Access to WVPP

MDUSD ensures that the WVPP plan shall be in writing and shall be available and easily accessible to employees, authorized employee representatives, and representatives of Cal/OSHA always.

- Whenever an employee or designated representative requests a copy of the written WVPP, we will provide the requester with a printed copy of the WVPP, unless the employee or designated representative agrees to receive an electronic copy.
- We will provide unobstructed access through our website, which allows an employee to review, print, and email the current version of the written WVPP. Unobstructed access means that the employee, as part of their regular work duties, predictably and routinely uses the electronic means to communicate with management or co-employees.

Reporting

Emergencies

When faced with a violent incident, employees must assess the situation and respond accordingly, prioritizing their safety. Responses may include leaving the area, seeking assistance, or contacting emergency services if necessary. If immediate danger 911 should be called.

MDUSD has in place the following specific measures to handle actual or potential workplace violence emergencies:

- Employees may be alerted of a workplace violence through direct communication, email, phone calls, text messages, alarms, announcement on PA systems and other methods.
- Employees should be ready to shelter in place or evacuate. The Comprehensive School Safety Plan (CSSP) provides maps and important information of the evacuation route.

Violent Incident Reporting

The following procedures should be followed for reporting a workplace violence incident:

- A Workplace Violence Incident Report form must be completed by the employee. The supervisor may complete the form on behalf of the employee, if necessary.
- Incidents involving threats or acts of physical violence must be promptly reported to the WVPP administrator or their designee before any formal investigation begins. The report should be submitted within 24 hours of the incident to ensure timely and accurate documentation.
- If the incident involves an employee and their supervisor, the WVPP administrator or their designee will complete the report.

A strict non-retaliation policy is in place, and any instances of retaliation are dealt with swiftly and decisively. An employee who retaliates against a coworker for reporting an incident could be disciplined or terminated. Board Policy 4157 states, ”No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310 including:

1. Making a report or complaint.
2. Instituting proceedings or causing proceedings to be instituted.
3. Testifying with regard to employee safety or health.
4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7.
5. Requesting access to injury or illness reports and records.
6. Exercising any other right protected by the Occupational Safety and Health Act.

Violent Incident Response and Investigation

The designated person or team must conduct a prompt investigation of any violent incident and provide notification of the findings and corrective actions taken, if needed, to the employee. Procedures for investigating workplace violent incidence include:

- Visiting the scene of the alleged incident as soon as possible
- Interviews with affected workers, witnesses, or those threatened.
- Preparing appropriate summaries of interviews.
- Examination of workplace for factors associated with the incident.
- Reviewing any relevant previous incidents, pathways and warning behaviors.
- Determining the cause of the incident.
- Reviewing any relevant physical/behavioral, electronic or other evidence such as video footage, photographs, and/or emails or other communications.
- Take corrective action to prevent similar incidents from occurring.
- Record the findings and ensuring corrective actions are taken.
- Coordinating, to the extent necessary and feasible, with any law enforcement investigation.
- Preparing written report of findings and any action taken.

Violent Incident Log Completion

Information that is recorded in the log for each incident shall be based on information solicited from the employees who experienced workplace violence, on witness statements, and on investigation findings. The log and accompanying documents should be audit ready.

This log must be used for every workplace violence incident that occurs in our workplace. At a minimum, it will include the information required by LC section 6401.9(d).

The information that is recorded will be based on:

- Information provided by the employees who experienced the incident of violence.
- Witness statements.
- All other investigation findings.

All information that personally identifies the individual(s) involve will be omitted from this log, such as:

- Names
- Addresses – physical and electronic
- Telephone numbers.
- Social security number

Post Incident Report and Analysis

The purpose of the log is to spot trends and areas for enhancing safety measures. The WVPP Administrator should review the log at least once a year, or more frequently if there is a rise in violent incidents. As per SB 553, log data must be retained for a minimum of 5 years.

Workplace Hazard Identification and Correction

Continuous reporting and monitoring of violent incidents aid in spotting trends and addressing potential hazards effectively and swiftly. Identified hazards with feasible solutions should be rectified without delay. Significant corrections might necessitate updates to the WVPP, which must be promptly communicated to all employees.

The following policies and procedures are established and required to be conducted by MDUSD to ensure that workplace violence hazards are identified and evaluated:

- A survey will be sent to all employees evaluating potential and prior workplace violence at MDUSD. The results will be evaluated for potential corrective measures.
- Inspections shall be conducted when the plan is first established, after each workplace violence incident, and whenever the employer is made aware of a new or previously unrecognized hazard.
- Review all submitted/reported concerns of potential hazards:

Periodic inspections of workplace violence hazards will identify unsafe conditions and work practices.

Workplace violence hazards will be evaluated and corrected in a timely manner. MDUSD will implement the following effective procedures to correct workplace violence hazards that are identified:

- MDUSD shall correct hazards either when observed or discovered, or when an imminent hazard exists which cannot be immediately corrected without endangering employee(s) and/or property. Employees necessary to correct the hazardous condition will be provided with the necessary protection.
- All corrective actions taken will be documented and dated on the appropriate forms. Corrective measures for workplace violence hazards will be specific to a given work area.

Record Keeping

Records of annual training completion by all employees should be retained for at least a year. This record shall include:

- Training dates.
- Contents or a summary of the training sessions.
- Names and qualifications of persons conducting the training.
- Names and job titles of all persons attending the training sessions.

Violent incident reports and investigations must be kept for five years. Incident logs need to be maintained for at least five years. Records should encompass security and hazard assessments, identified concerns, and corrective actions taken. The records shall not contain medical information per subdivision (j) of section 56.05 of the Civil Code

All records of workplace violence hazard identification, evaluation, and correction; training, incident logs and workplace violence incident investigations required by LC section 6401.9(f), shall be made available to Cal/OSHA upon request for examination and copying.

Employee Access to Records

The following records shall be made available to employees and their representatives, upon request and without cost, for examination and copying within **15 calendar days of a request**:

- Records of workplace violence hazard identification, evaluation, and correction.
- Training records.
- Violent incident logs.

Coordination with Other Employers

MDUSD will implement the following effective procedures to coordinate implementation of its plan with other employers to ensure that those employers and employees understand their respective roles, as provided in the plan.

- All employees will be trained on workplace violence prevention.
- Workplace violence incidents involving any employee are reported, investigated, and recorded.
- At a multiemployer worksite, MDUSD will ensure that if its employees experience workplace violence incident that MDUSD will record the information in a violent incident log and shall also provide a copy of that log to controlling employer.

Review and Revision of the WVPP

The MDUSD WVPP will be reviewed for effectiveness:

- At least annually.
- When a deficiency is observed or becomes apparent.
- After a workplace violence incident.
- As needed.

K-12 Education Settings and Students with Disabilities

In the K-12 school context, workplace violence scenarios involving students with disabilities or students suspected of being disabled require necessary consideration of additional laws and intra-school district coordination with responsible departments (e.g. Student Services, Special Education, Educational Services, Human Resources, etc.). Laws that must be considered include those concerning special education[1], Section 504 of the Rehabilitation Act of 1973[2] ("Section 504") and the Americans with Disabilities Act.[3]

Students that are alleged to have engaged in workplace violence related to school attendance, regardless of disability status, will frequently be subject to disciplinary proceedings, including expulsion. In addition to Mt. Diablo Unified School District's board policies and administrative regulations addressing student discipline, Education Code §§ 48900-48927 will need to be consulted with the appropriate district personnel and, if need be, legal counsel.

Students currently identified as disabled, or suspected of being disabled under special education laws and/or Section 504 laws, and subject to removal from school or school activities for violations of codes of conduct such as those found in the Education Code, and that are considered a "change of placement" (e.g. more than 10 days of suspension in a school year, disciplinary transfers to different schools or settings, expulsion, etc.) are likely entitled to additional legal protection in the form of manifestation determination meetings[4] that potentially can halt continued school removal absent narrow exceptions that allow removals of no more than 45 school days in accordance with narrowly tailored parameters.[5] In addition to manifestation determinations connected to students with individualized education programs ("IEP") or those that should have an IEP but do not[6], the law also favors manifestation determinations for Section 504 eligible students that are subject to a "significant change of placement" arising out school related misconduct.[7]

Additionally, IEP eligible students involved in behavioral emergencies, defined as "unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the individual with exceptional needs, or others, and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior"[8] will be entitled under California law to additional considerations, including but not limited to, the potential right to an IEP meeting within two days of the behavior emergency in qualifying scenarios.[9]

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[1] See 20 U.S.C. §§ 1400 et seq. and Education Code §§ 56000 et seq. The regulations connected with these laws are found at 34 C.F.R. §§ 300.1-818 and Title 5 CCR §§ 300 et seq., respectively.

[2] See 29 U.S.C. § 794 and corresponding regulations found at Title 34 C.F.R. §§ 104.1-104.61.

[3] See 42 U.S.C. §§ 12101 et seq. and corresponding regulations found at Title 34 C.F.R. §§

[4] See 20 U.S.C. § 1415(k)(1) and (7); Title 34 C.F.R. 300.530.

[5] See Title 34 C.F.R. § 300.530(g).

[6] See 20 U.S.C. § 1415(k)(5); Title 34 C.F.R. § 300.534.

[7] Although the term "manifestation determination" does not appear in the statutory or regulatory language of Section 504, the Office for Civil Rights (“OCR”) has interpreted Section 504 as requiring a manifestation determination in connection with disciplinary actions that constitute a "significant change in placement" under Title 34 C.F.R. 104.35.

[8] See Education Code § 56521.1(a).

[9] See Education Code § 56521.1(g).

Violent Incident Log

MDUSD records every workplace violence incident in an electronic form.

The violent incident log must be used for every workplace violence incident that occurs in our workplace. At a minimum, it will include the information required by LC section 6401.9(d).

The information that is recorded will be based on:

- Information provided by the employees who experienced the incident of violence.
- Witness statements.
- All other investigation findings.

All information that personally identifies the individual(s) involve will be omitted from this log, such as:

- Names
- Addresses – physical and electronic
- Telephone numbers
- Social security number

The information recorded in the violent incident log includes the following:

- Date, time, and location of the incident.
- Workplace violence type or types as described in the plan.
- A detailed description of the incident.
- 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.
- 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.
- A classification of where the incident occurred, such as in the workplace, parking lot or other area outside the workplace, or other area.
- The type of incident, including, but not limited to, whether it involved any of the following:
    - Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.
    - Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.
    - Threat of physical force or threat of the use of a weapon or other object.
    - Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.
    - Animal attack.
    - Other.

- Consequences of the incident, including, but not limited to:
    - Whether security or law enforcement was contacted and their response.
    - Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.
    - Information about the person completing the log, including their name, job title, and the date completed.