ARTICLE 5: SAFETY CONDITIONS

5.100 Dangerous Working Conditions

5.110 The District shall make a good faith effort to not allow maintenance or construction projects which will affect a teacher's ability to administer the curriculum without at least a 24-hour notice.

5.120 Employees are to be safety conscious in their actions while on duty. Unit members shall be responsible for making a written report to the immediate supervisor regarding any unsafe, hazardous, unhealthy, or potentially dangerous working conditions. If the danger is immediate, an oral report shall be sufficient. If such a report is properly registered with and verified by the supervisor, the condition causing the hazardous, dangerous or unsafe working condition, if possible, shall be removed as soon as feasible. If this is not possible, the unit member shall be relocated in a non-hazardous work location.

The District shall provide a written statement to the affected unit member within four (4) days following receipt of the report which indicates the status of the complaint with possible solutions and/or estimated timelines.

5.130 Unit members will not be required to operate laboratory or industrial arts classes in environments that pose a safety or health hazard to themselves or their students. Teachers will file a report with recommendations to correct the hazards with their immediate supervisors. Immediate steps shall be taken to remove the hazard.

5.140 Teachers may, with the principal's knowledge, temporarily limit a student's participation in hazardous activities if they cannot demonstrate safe and proper use of equipment and/or materials.

The District shall provide alternative instruction to prepare the student for safe and knowledgeable use of the equipment and materials.

5.150 Unit members who work in isolated work site(s) or locations shall have an alarm/communication (telephone) device which will permit the unit member to contact their administrator or other appropriate personnel in case of emergency.

5.160 The District shall comply with all appropriate California safety and health requirements. Upon written notification of any deficiencies, the District shall take appropriate action to remedy the condition.

5.170 In the context of standing duty, unit members will not be directed to enter a roadway outside of a crosswalk to direct traffic except in cases of emergency or school closure.

5.180 Staff restrooms shall be maintained and adequately supplied.

5.190 The District will make available at each school site a list of students at that school who have engaged in conduct or are reasonably suspected to have engaged in conduct that caused, or attempted to cause serious bodily injury. The list will be available for unit members prior to the first day of student instruction. The District will periodically

update the list during the school year. Updated student discipline data will be available throughout the school year on the District's student database. The information shall be received in confidence for the limited purpose for which it was provided. This notification will be based upon written records retained or received by the District from the previous years.

5.200 Worker's Compensation Report

Upon request, the Association shall be provided a comprehensive report of all unit member Worker's Compensation claims reported to the District.

5.300 Student Control

5.310 Within the scope of employment, a unit member may use the amount of physical control over pupils which is reasonably necessary to maintain order, to protect oneself, to protect property, to protect the health and safety of pupils or to maintain reasonable, proper, and appropriate conditions which are conducive to learning.

5.320 Referrals for Discipline

Students sent to the office with a discipline referral shall not be readmitted to class without a signed readmission slip or note from the administration. Within three (3) working days, except in emergencies, the administration shall respond in writing as to action(s) taken regarding the disciplinary referral.

5.330 Verbal and Physical Abuse

Unit members shall immediately report cases of verbal abuse suffered by them in connection with their employment to the principal or other immediate supervisor. Unit members shall immediately report cases of assault suffered by them in connection with their employment to the principal or other immediate supervisor and to the local police department. Such notification shall be immediately forwarded to the Superintendent or designee. The Superintendent or designee shall act in appropriate ways as liaison among the unit member, the police and the courts.

The District shall take appropriate action whenever a unit member, while acting within the scope of assigned duties, is willfully, verbally, physically attacked, or harassed by another person or persons.

5.400 Personal Property Loss/Reimbursement

5.410 Provided the loss is in excess of fifty dollars ($50.00), which is not caused by unit members' negligence, the District shall reimburse a unit member in an amount no greater than the replacement value, up to five hundred dollars ($500.00), for any theft, damage, or destruction of personal property of the unit member while on duty in the school, on the school premises, or on a school sponsored activity. If the loss is in excess of fifty dollars ($50.00), which the District shall reimburse unit members up to a maximum of seven hundred fifty dollars ($750.00) or up to the amount of the unit member's vehicular insurance deductible not to exceed one thousand dollars

($1,000.00), for any damage to the unit member's vehicle while on duty in the school, on the school premises, or on a school sponsored activity. A unit member may petition the District for reimbursement beyond the stated limits and the Superintendent or designee will review each request and exercise his/her discretion on each case.

5.420 For the intent of this section, "personal property" is defined as eyeglasses, hearing aids, dentures, watches, purses, or articles of clothing, or a vehicle which is damaged while legally parked on or adjacent to school property during normal working hours or when used in specific assignments made by the immediate supervisor. Other property damage, including cell phones, will be reimbursed only if it is equipment used for educational purposes, and prior to such use, the immediate supervisor provides written approval, and in addition, the equipment is registered with the immediate supervisor. Such registration shall consist of a record of the following information: a description of the equipment, including any serial or model number, manufacturer name and brand; and agreed upon replacement value; and the length of time such equipment will be allowed at the school site and covered by the reimbursement provision.

5.421 The District will make a good faith effort to provide secure locations/cabinets where materials/personal property for classroom use can be secured.

5.430 A unit member filing a claim pursuant to this section shall file said claim on the District prepared claim form no later than fifteen (15) working days following the damage or loss of the property in question. The District retains the right to inspect all damaged property and to require full disclosure of witnesses, prior conditions, and full description and serial numbers of damaged or stolen property.

5.440 In case of theft, a police report of the incident shall be made prior to consideration of any reimbursement. The employee filed police report must be submitted with the claim form in order for the claim to be considered by the District.

5.450 In the event unit members are reimbursed pursuant to this section, the District shall, to the extent of such payments, be subrogated to any right of the unit member to recover compensation for such damaged or stolen property. The District may file and prosecute an action to enforce its subrogation right in the small claims court if the amount of the claim is within the court monetary jurisdiction or may enforce its subrogation right in any other court of competent jurisdiction.

5.460 During times of disaster, unit members' responsibilities shall be as mutually agreed upon in the District's Disaster Preparedness Plan.

5.500 Employee Identification Badges

In order to provide easy identification and to increase safety and security, all unit members shall wear identification badges supplied by the District. Identification badges are to be worn during hours in paid status including hours when visiting other OUSD work sites during hours in paid service. Badges are to be displayed at or above the waist in a way that they may be easily recognized. Badges will be affixed using the OUSD-supplied clip or neck lanyard chosen by the employee. No other information will be displayed on identification badges, clips, or lanyards. A replacement fee of $5.00 may

be assessed for lost badges due to negligence. Damaged badges will be replaced free of charge. Upon separation from the District, unit members will be required to turn in their identification badge.

5.600 Drug and Alcohol Use

5.610 Employees shall not be under any influence of or in possession of alcohol or illegal drugs while on District property, at work locations, or while on duty. Employees shall not use such substances, sell or provide drugs or alcohol to any other employee or to any person while such employee is on duty, nor have their ability to work impaired as a result of the use of alcohol or drugs. The parties agree that violation of this Article constitutes grounds for dismissal pursuant to Education Code section 44932.