

Article 21 Work Environment/Safety

21.1 Safety

Safety is a mutual concern to both employees and employer. The District recognizes its responsibility to comply with Cal-OSHA regulations in providing employees with safe working conditions. The District also recognizes that faculty need to feel safe in their work environment with respect to student issues. Unit members recognize their responsibility to follow safe working procedures, to utilize appropriate safety gear and to advise administration representatives of unsafe conditions. In the case of a clear and present dangerous condition (as defined by Section 830 of the Government Code) and SB 198, the member has the obligation to suspend activities and to immediately notify the area supervisor.

Section 830 of the Government Code states as follows:

“‘Dangerous condition’ means a condition of property that creates a substantial (as distinguished from a minor, trivial or insignificant) risk of injury when such property or adjacent property is used with due care in a manner in which it is reasonably foreseeable that it will be used.”

21.1.1 In addition to clear and present dangerous conditions, as defined above, other conditions that may require the suspension of activities and the immediate notification of administrative representatives, including the College Police, are referenced in District Regulation 2441, Article 3.0. Faculty are encouraged to include in their syllabi expected standards of student behavior based on District policies.

21.1.2 When a student has or students have been removed from a class for any length of time (beyond that referenced in Ed Code Section 76032) as a result of any incident described in 21.1.1, the following process should be followed before any decision is made to allow the student or students to return to the class:

21.1.2.1 Within two (2) working days after the student has been removed from the class, the college Student Discipline Officer (SDO) and the faculty shall meet to discuss the issue. If the faculty member disagrees with a decision to return the student to the class, the SDO shall provide a written explanation for that decision, including the date of the student’s return.

21.1.2.1.1 If the decision of the SDO is appealed by the faculty member, the student shall not be returned to the class until the College President’s decision is finalized.

21.1.2.1.2 Within one (1) working day after the SDO’s written explanation, the faculty member may appeal, in writing, the decision of the SDO to the College President. The decision of the College President or designee (other than the SDO) shall be final.

21.2 Any on-the-job disputes over safety conditions that cannot be resolved between the member and the area supervisor will be addressed to the location safety officer. No member shall be required to return to the work location until the District decides that the location is safe.

22.2.1 Location safety officers designated by the Chancellor (or designee) are as follows:

College: Vice President of Administration
Facilities Management/District Office: Associate Vice Chancellor of
Facilities Management

22.2.2 If the location safety officer determines that the conditions, other than those described in 21.1.2, are safe, the employee is expected to proceed with the required tasks. In the case of immediate problems, the location safety officer may call or contact the District safety officer. An employee may report the incident to the location safety committee if he/she finds the decision unsatisfactory. The committee will review the matter at a regularly scheduled meeting.

21.3 **Location Safety Committees**

To ensure employer's/employees' recognition of the importance of a safe working environment and safe working conditions, location safety committees shall be constituted on each college of the District and Facilities Management/District Office.

21.3.1 A representative from each employee unit including Blue Collar, White Collar, Supervisors, Management/Confidential and Faculty will be invited to serve on a safety committee. LRCFT will appoint its representative. The location safety officer will assume responsibility for coordinating these meetings. Other individuals with concerns and/or expertise in the area of health and safety may be invited to serve on these committees as well.

21.3.2 A Safety Coordinator will be appointed from each safety committee to act as a safety representative to a District-wide committee.

21.4 **District Safety Committee**

The District Safety Committee shall be appointed by the IIPP Program Administrator. It should include representatives from school sites, maintenance and management to meet the District's needs.

21.5 **Procedure**

The location safety committees shall meet periodically to review and make recommendations on the following items:

- a. Accident reports filed by employees during the intervening period. The committee will examine the cause and develop a follow-up procedure for correction, if possible.
- b. Reports filed by employees or others of alleged safety deficiencies or problems or health hazards.

- c. Safety equipment, safety classes and other related safety matters, including safety procedures, safety handbooks, and the responsibility of employees concerning safety practices.

21.5.1 Location safety committee members shall first attempt to resolve safety problems on each college or work site. Any unresolved safety problem not settled at the college / Facilities Management level may be appealed to the Director of General Services.

21.6 District Appeals Committee

A District Appeals Committee is hereby established composed of one (1) District safety representative appointed by the Chancellor (or designee) and one (1) member appointed by each employee organization. Any disputes involving safety which have not been settled at the college level will be presented at a scheduled hearing arranged by the District Appeals Committee. Every effort will be made to provide a satisfactory solution to safety concerns. Recommendations of the Appeals Committee will be presented to the Chancellor (or designee) whose decisions shall be final. This appeal procedure is provided in lieu of the regular grievance procedure of Article 13 and its use for safety problems is exclusive. Should the appeal process be completed without satisfactory resolution, the administrative remedy has been deemed exhausted.