

Agenda Item:	IV G: Action Item
Date:	June 17, 2024
To:	Magnolia Educational & Research Foundation dba Magnolia Public Schools (“MPS”) Board of Directors (the “Board”)
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead(s):	Suat Acar, Chief Operations Officer
RE:	Approval of MPS Workplace Violence Prevention Plan

**1. Action Proposed:**

I move that the Board approve the MPS Workplace Violence Prevention Plan.

**2. Background**

While promoting a safer and more secure work environment is always a priority, California's SB 553 mandates specific actions employers must take around workplace violence prevention.

Workplace violence is a paramount concern for employees and employers alike, with incidents of workplace violence posing significant risks to workers' well-being and security. To try to address these concerns, California introduced **Senate Bill No. 553 (SB 553)**, signaling a pivotal shift in workplace safety standards. Signed into law on September 20, 2023, by Governor Gavin Newsom, SB 553 directs most California employers (including MPS) to adopt comprehensive workplace violence prevention plans (WVPP), effective July 1, 2024. MPS worked with legal counsel to develop the proposed WVPP which complies with the requirements of the law.

**3. Analysis:**

Upon Board approval, MPS is required to assign employees to designated safety roles, provide employee training, and keep detailed safety records, as described below.

**Designated roles:**

MPS will need to assign designated individuals to oversee plan development, training, and ongoing maintenance. This ensures accountability and facilitates a proactive approach to workplace safety.

**Employee training:**

MPS will be required to provide “effective” training for all employees on recognizing and reporting potential workplace violence, understanding the organization's WVPP, and their rights under the law.

**Record-keeping and reporting:**

MPS will also be required to maintain accurate records of identified hazards, implemented measures, and log violent incidents and their investigations.

**4. Budget Implications:**

None. The actions will be structured along with the MPS School Safety Plans.

5. **Exhibits:**

The MPS Workplace Violence Prevention Plan

# **MAGNOLIA PUBLIC SCHOOLS**

## **Workplace Violence Prevention Plan**

This document shall outline Magnolia Public Schools’s Workplace Violence Prevention Plan (“Plan”) as required by Labor Code § 6401.9. It shall be the policy of Magnolia Public Schools to provide its employees with a safe and healthy work environment. To that end, Magnolia Public Schools shall take appropriate actions to prevent acts of violence, threats, intimidation, and harassment from occurring on campus and during the performance of employees’ job duties.

### **I. DEFINITIONS**

For purposes of this Plan, the following definitions apply:

“**Emergency**” means unanticipated circumstances that can be life threatening or pose a risk of significant injuries to employees or other persons.

“**Engineering controls**” mean an aspect of the built space or a device that removes a hazard from the workplace or creates a barrier between the worker and the hazard.

“**Log**” means the violent incident log, required in Part III of this Plan.

“**Plan**” means this Workplace Violence Prevention Plan.

“**Threat of violence**” means 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.

“**Workplace Violence**” includes but is not limited to the following: (i) 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; (ii) 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; (iii) the following four workplace violence types:

- **Type 1:** violence committed by a person with no legitimate business at the worksite;
- **Type 2:** violence directed at employees by students, parents, contractors, volunteers, or visitors;
- **Type 3:** violence against an employee by a present or former employee, supervisor, or manager;
- **Type 4:** 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.

Workplace Violence does not include lawful acts of self-defense or defense of others.

“**Work practice controls**” means procedures and rules which are used to effectively reduce workplace violence hazards.

### **II. WORKPLACE VIOLENCE PLAN PROCEDURES**

#### **a. Responsible Parties**

The Chief Operations Officer (COO) is responsible for implementing this plan.

#### **b. Employee Involvement in Plan Creation and Updates**

Before this Plan was initially approved by the Magnolia Public Schools Board of Directors, the COO circulated a draft of the Plan to employees and requested feedback and suggestions on improving the Plan. All feedback received was reviewed and any revisions deemed warranted were implemented into the initial approved version of the Plan.

Every year, the COO will circulate the Plan to employees to request suggestions on improving this Plan. Employees will be encouraged to provide input on ways they believe this Plan can be improved, streamlined, or better enforced. Employees will be encouraged to provide input on adequacy of training received, any perceived workplace violence hazards not adequately addressed by the Plan, and any perceived barriers to reporting and investigating instances of workplace violence incidents that they believe may stand in the way of optimal execution of this Plan.

These suggestions and input may be submitted confidentially to the COO. No retaliation to any such input or suggestion shall be permitted. Magnolia Public Schools commits to reviewing each employees' suggestion and making any changes to this Plan that are found to be necessary and appropriate.

#### **c. Coordinated Implementation**

If there are workers who regularly perform job duties at Magnolia Public Schools' campus or other workplace but are not employed by Magnolia Public Schools, the COO will verify that each such worker's employer has a workplace violence prevention plan in place and that all such employees of that employer who regularly work at any Magnolia Public Schools location are receiving adequate training and that those other employers have procedures in place for the reporting, investigation, and recording of workplace violence incidents.

#### **d. Reporting of Workplace Violence**

Employees must report any incident of workplace violence that they witness. Magnolia Public Schools will not retaliate against any employee for reporting an incident of workplace violence in good faith.

Reports of workplace violence that has already occurred can be made by filling out the "Workplace Violence Report" form that is attached at the end of this Plan and sending it to the COO by e-mail. The COO and/or designee will review every Workplace Violence Report at their earliest reasonable convenience and shall take the steps outlined in this Plan in response. Copies of the Workplace Violence Report form shall be made available to all employees in the front office or the MPS Home Office.

If an incident of workplace violence is occurring or imminent, any employee witness should ensure that COO is informed as soon as possible by calling the COO at 213-628-3634 or by using whatever alternative means of communication would be fastest. The COO will respond to the ongoing or imminent workplace violence as set forth in section II.G., below.

#### **e. Employee Compliance**

All employees are responsible for using safe work practices and for following all directives, policies, and procedures for maintaining a safe, healthy, and secure work environment. This Plan seeks to

ensure that employees, including administrators, comply with work practices designed to make the workplace more secure, and to ensure that employees do not engage in threats or physical actions which create a security hazard for others in the workplace.

All employees will be trained to understand this Plan when hired and periodically afterward. Employees will be evaluated to ensure compliance with this Plan. Employees who participate in the implementation of this Plan and carrying out its provisions in practice will be recognized for their efforts to help ensure a safe and violence-free workplace.

Repeated or willful failure to report incidents of workplace violence, failure to attend and participate in workplace violence training, and to otherwise comply with the requirements of this Plan will result in additional training and may result in disciplinary action.

#### **f. Communication to Employees Regarding Workplace Violence**

As part of the annual workplace violence training session required by this Plan, the COO shall ensure that each employee understands how to report a violence incident, a threat, or any other incidence of workplace violence and knows that they can do so without fear of reprisal by Magnolia Public Schools or retaliation from the individual against whom the report is made.

These points will be communicated to new employees when hired and periodically as set forth in this Plan. The COO shall also ensure that each employee understands how their concerns will be investigated by Magnolia Public Schools and how Magnolia Public Schools will communicate the results of a workplace violence hazard investigation and any corrective measures taken in response.

As part of the annual workplace violence training, every employee shall sign a certificate attesting that they understand these items, and each of these certificates shall be retained pursuant to Part V of this Plan (“Recordkeeping”).

Depending on the frequency and severity of workplace violence incidents in the workplace, the COO may implement increasingly more frequent communication sessions with employees as necessary, including quarterly, monthly, or weekly reviews of this Plan and employee compliance with it.

#### **g. Response to Actual or Potential Workplace Violence Emergencies**

A workplace violence emergency is any incidence of workplace violence that entails the potential loss of life or significant injury to any person at the workplace.

If a workplace violence emergency is so severe as to trigger a lockdown or evacuation of the workplace according to the School’s safety plan, such as when firearms are involved or a when an intruder has entered the campus with violent or criminal intent, Magnolia Public Schools will initiate and follow the emergency procedures set forth in its school safety plan.

If a workplace violence emergency does not rise to the level of a school-wide response but is ongoing and entails potential or threatened loss of life or significant injury to any person at the workplace, any other employees witnessing or experiencing the workplace violence incident must report the incident as soon as possible to the school administrator, or to the COO and/or other responsible administrator, by calling them on the phone or by whichever alternative means would reach them fastest.

## **h. Training Procedures**

Magnolia Public Schools will provide annual workplace violence prevention training in accordance with the requirements of California Labor Code section 6401.9, subdivision (e), including but not limited to the following:

1. The Plan, how to obtain a copy of the Plan at no cost, and how to participate in development and implementation of the Plan.
2. The Plan's definitions and the General Workplace Violence Plan Procedures.
3. How employees can search for and recognize workplace violence hazards and risk factors associated with the three types of workplace violence.
4. How to report workplace violence incidents, threats, or concerns to the school or two law enforcement without fear of reprisal from the school or the individual against whom the report is filed.
5. Ways to defuse hostile or threatening situations.
6. Routes and methods of escaping from workplace violence incidents.
7. How this Plan integrates with the school's safety plan.
8. How and when to notify law enforcement authorities when a criminal act may have occurred or is potentially about to occur.
9. Emergency medical care to be provided to a victim of any violent act.
10. Any workplace violence hazards specific to the school environment, the corrective measures the school has implemented, and how to seek assistance to prevent or respond to violence and to avoid physical harm.
11. The workplace violence incident log, and how to obtain records the school is required to keep pursuant to the Recordkeeping part of this Plan, below.
12. An opportunity for live questions and answers on the Plan with the COO.

In addition to an annual training session on these topics, the school will conduct training every time a new or previously unrecognized workplace violence hazard is identified and whenever changes are made to the Plan. This additional training may be limited only to the new workplace violence hazards identified or to the new changes to the Plan.

The COO will ensure that this training is completed and that records of employee participation are kept and filed in accordance with Part V of this Plan ("Recordkeeping").

## **i. Identification and Evaluation of Workplace Violence Hazards**

Workplace violence hazards are working conditions or environmental factors that increase employee exposure to workplace violence. Workplace violence hazards may arise from, for example, a school's failure to consistently require campus visitors to check in at the front desk, failure to monitor entry and exit points for unauthorized entry, failure to consistently enforce employee behavioral conduct rules, failure to consistently enforce student disciplinary rules that could expose employees to violence, and other similar policy or environmental factors that would tend to increase the incidence of workplace violence.

The COO shall ensure that a review of potential workplace violence hazards is conducted at least annually. The COO shall also conduct a review of any workplace violence hazards reported by any employee. In addition, the COO shall also conduct a workplace violence hazard review (1) when this Plan is first established, (2) after each workplace violence incident has occurred, and (3) whenever the employer otherwise is made aware of a new or previously unrecognized workplace violence hazard.

Each time a workplace violence hazard review is undertaken, the COO shall prepare a report describing the review process, stating date the review was completed, stating the determination of whether a workplace hazard was found to exist, and describing whether any corrective actions are recommended. All workplace hazard evaluation reports shall be kept as records pursuant to Part V of this Plan.

#### **j. Correction of Workplace Violence Hazards**

Each time a workplace violence hazard review is conducted and results in a recommendation that corrective action should be implemented to mitigate an existing workplace violence hazard, the COO shall prepare a recommendation for corrective action and present it to the Executive Director who shall approve, deny, or approve with modification, the recommendation for corrective action and provide a justification for any denial or modification. The recommendation for corrective action and Executive Director response shall be kept as a record pursuant to Part V of this Plan.

Following the Executive Director taking action on a recommendation for corrective action, the Executive Director or designee shall be responsible for ensuring that the corrective action is implemented as workplace policy and, if relevant, that all employees are alerted to and trained on any necessary changes in workplace policies necessary to implement the approved corrective action. If any corrective actions require revisions to an employee handbook, those changes shall be implemented within a reasonable time.

#### **k. Post-Incident Response and Investigation**

After every reported or otherwise known incident of workplace violence, the COO shall conduct a workplace violence evaluation of any and all workplace conditions, policies, or practices that may have contributed to the occurrence of the incidence of workplace violence and shall record a record of the evaluation, as required by Section II.i., above.

Post-incident reviews shall include, at minimum, an interview with the victim of workplace violence, any witnesses, and the impressions of the COO and/or designees assisting in the post-incident response. The interview and investigation shall seek to establish all facts required to be included in a Violent Incident Log, as set forth in Part III of this Plan.

Employees will be encouraged to provide feedback and information as part of the post-incident response. Employees who refuse to participate may be subject to discipline. Employees should be alerted that they are not subject to retaliation or reprisal from Magnolia Public Schools as a consequence of their participation in any post-incident response.

#### **l. Review of Plan Effectiveness**

The COO shall review the general effectiveness of this Plan annually at the time the Plan is circulated to employees for suggestions, whenever a deficiency in the Plan is noted, and after any workplace violence incident occurs.

### **III. VIOLENT INCIDENT LOG**

Magnolia Public Schools will maintain a **Violent Incident Log**. The COO shall ensure that the details of every violent incident reported or otherwise known to have occurred at the school are recorded into the Violent Incident Log. The log shall contain information solicited from the person experiencing the workplace violence incident, any witnesses, and investigation findings. All personal identifying information shall be omitted from the log, with the exception of the details of the person making the entry. The log shall be reviewed during any periodic reviews of this Plan for effectiveness.

The Violent Incident Log, for every incident, shall include the following:

1. The **date, time, and location** of the incident.
2. The **type or types of workplace violence** involved.
3. A **detailed description** of the incident.
4. **Who committed the violence**, including whether the perpetrator was a School stakeholder, family or friend of a School stakeholder, stranger with criminal intent, coworker, supervisor or manager, partner or spouse, parent or relative, or another perpetrator.
5. The **general 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.
6. **Where the incident occurred**, such as in the workplace, parking lot, or other area outside the workplace, or other area.
7. The **type of attack**: physical attack without a weapon; attack with a weapon or object; a threat of physical force or threat of use of a weapon or other object; sexual assault or threat of sexual assault; animal attack; other.
8. The consequences of the incident, including whether security or law enforcement was contacted; actions taken to protect employees from continuing threat, etc.
9. **Information on the person entering the log entry**, including their name, job title, and date entered.

#### IV. RECORDKEEPING

This Plan requires that various records pertaining to workplace violence be maintained, as follows:

1. Records of workplace violence hazard identification, evaluation, and correction shall be created and maintained for a minimum of five (5) years.
2. Training records shall be created and maintained for a minimum of one (1) year, and shall include dates training was conducted, the contents or a summary of the training sessions conducted, the names and qualifications of persons conducting the training, and the names and job titles of all persons attending the training sessions.
3. Violent Incident Logs shall be maintained for a minimum of five (5) years.
4. Records of workplace violence incident investigations shall be maintained for a minimum of five (5) years.
5. All records required to be maintained per this Part of the Plan are to be made available to the Department of Industrial Relations upon request for examination and copying.
6. All records required pursuant to items (1) through (3) of this Part 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.



**Magnolia Public Schools  
WORKPLACE VIOLENCE REPORTING FORM**

This form should be used to report any incidence of workplace violence that any employee of Magnolia Public Schools witnesses at the workplace or any work-related event. Employees are required to report any workplace violence they witness and will not be subject to any retaliation for reporting workplace violence.

*“Workplace Violence” includes but is not limited to the following: (i) 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; (ii) 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; (iii) the following four workplace violence types:*

- *Type 1: violence committed by a person with no legitimate business at the worksite;*
- *Type 2: violence directed at employees by students, parents, contractors, volunteers, or visitors;*
- *Type 3: violence against an employee by a present or former employee, supervisor, or manager;*
- *Type 4: 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.*

*“Workplace Violence” does not include lawful acts of self-defense or defense of others.*

If you have witnessed a workplace violence incident, please enter as much of the following information as you can:

**Date of Report:** \_\_\_\_\_ **Date(s) of Incident:** \_\_\_\_\_

**Reporter’s Name:** \_\_\_\_\_

**Reporter’s Job Title:** \_\_\_\_\_

**Reporter’s email address or telephone number:** \_\_\_\_\_

**Victim Name(s) (if other than Reporter):** \_\_\_\_\_

**Victim’s Job Title (If other than Reporter):** \_\_\_\_\_

**Victim’s email address or telephone number:** \_\_\_\_\_

**Approximate Place of Incident:** \_\_\_\_\_

**Approximate Time of Incident:** \_\_\_\_\_

**Narrative Description of Workplace Violence Incident:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Type of Workplace Violence (see definitions above):** \_\_\_\_\_

**Name, Description, or other information about Perpetrator(s):** \_\_\_\_\_

\_\_\_\_\_

Thank you for submitting this information. You may be contacted by administration to provide further information. Please sign below to verify the accuracy of the information provided on this form.

\_\_\_\_\_  
**Reporter’s Signature**