

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill
3 No. 74 entitled “An act relating to safety protocols for social and mental health
4 workers” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 Sec. 1. 33 V.S.A. chapter 82 is added to read:

8 CHAPTER 82. SAFETY PROVISIONS FOR WORKERS

9 § 8201. SAFETY POLICIES FOR SOCIAL AND MENTAL HEALTH

10 WORKERS

11 (a)(1) The Agency of Human Services and each department of the Agency
12 shall establish and maintain a written workplace violence prevention and crisis
13 response policy that meets or exceeds the requirements of this chapter in place
14 for the benefit of employees working directly with clients.

15 (2) The Agency shall ensure that its contracts with providers that
16 directly serve clients and that are administered or designated by a department
17 of the Agency require the providers to establish and maintain a written
18 workplace violence prevention and crisis response policy that meets or exceeds
19 the requirements of this chapter in place for the benefit of employees working
20 directly with clients.

1 (b) A written workplace violence prevention and crisis response policy
2 prepared with input from employees working directly with clients shall
3 minimally include the following:

4 (1) measures the program intends to take to respond to an incident of
5 workplace violence or credible threat of workplace violence against employees
6 providing direct services to clients;

7 (2) a system for centrally recording all incidents of workplace violence
8 or credible threats of workplace violence against employees providing direct
9 services to clients;

10 (3) a training program to educate employees providing direct services to
11 clients about workplace violence and ways to reduce the risks; and

12 (4) the development and maintenance of a violence prevention and
13 response committee that includes employees working directly with clients to
14 monitor ongoing compliance with the violence prevention and crisis response
15 policy and to assist employees providing direct services to clients.

16 (c) In preparing the written violence prevention and crisis response policy
17 required by this section, the Agency, each department of the Agency, and
18 providers identified in subdivision (a)(2) of this section shall ensure the policy
19 is consistent with the U.S. Occupational Safety and Health Administration's
20 Guidelines for Preventing Workplace Violence for Healthcare and Social

1 Service Workers or any subsequently adopted federal regulations or State rules
2 governing workplace safety.

3 (d) A **written** workplace violence prevention and crisis response policy
4 shall be evaluated annually and updated as necessary by the violence and
5 prevention response committee and provided to employees who work directly
6 with clients.

7 (e) The requirements of this section shall neither be construed as a waiver
8 of sovereign immunity by the State, nor as creating any private right of action
9 against the State for damages resulting from failure to comply with this
10 section.

11 Sec. 2. 18 V.S.A. § 7114 is added to read:

12 § 7114. SAFETY POLICIES FOR SOCIAL AND MENTAL HEALTH
13 WORKERS

14 (a) The Agency of Human Services and each department of the Agency
15 shall establish and maintain a workplace violence prevention and crisis
16 response policy for the benefit of employees working directly with clients
17 pursuant to 33 V.S.A. § 8201.

18 (b) The Agency shall ensure that its contracts with **providers** described in
19 33 V.S.A. § 8201(a)(2) require the **providers** to establish and maintain a
20 **written** workplace violence prevention and crisis response policy for the

1 benefit of employees working directly with clients pursuant to 33 V.S.A.

2 § 8201.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on January 1, 2017.

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7 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE