

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 or  
5       credible threat of workplace violence against employees providing direct  
6       services to clients;

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

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

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

15       (c) In preparing the written violence prevention and crisis response policy  
16       required by this section, the Agency, each department of the Agency, and  
17       providers identified in subdivision (a)(2) of this section shall ensure the policy  
18       is consistent with the U.S. Occupational Safety and Health Administration's  
19       Guidelines for Preventing Workplace Violence for Healthcare and Social  
20       Service Workers or any subsequently adopted federal regulations or State rules  
21       governing workplace safety.

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

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

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

10        § 7114. SAFETY POLICIES FOR SOCIAL AND MENTAL HEALTH  
11        WORKERS

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

16        (b) The Agency shall ensure that its contracts with providers described in  
17        33 V.S.A. § 8201(a)(2) require the providers to establish and maintain a  
18        written workplace violence prevention and crisis response policy for the  
19        benefit of employees working directly with clients pursuant to 33 V.S.A.  
20        § 8201.

1       Sec. 3. EFFECTIVE DATE

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

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5           (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE