

1 TO THE HONORABLE SENATE:

2 The Committee on Health & Welfare to which was referred House Bill No.
3 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 Senate propose to the House that the bill be amended by striking out all
6 after the enacting clause and 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 EMPLOYEES DELIVERING DIRECT SOCIAL
11 SERVICES

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

17 (2) The Agency shall ensure that its contracts with providers that
18 directly serve whose employees deliver social services directly to clients and
19 that are administered or designated by a department of the Agency require the
20 include the requirement that providers to establish and maintain a written
21 workplace violence prevention and crisis response policy that meets or exceeds

1 the requirements of this chapter in place for the benefit of employees ~~working~~
2 ~~directly with~~ delivering social services directly to clients.

3 (b) A written workplace violence prevention and crisis response policy
4 prepared with input from employees ~~working directly with~~ delivering social
5 services directly to clients shall minimally include the following:

6 (1) measures the program intends to take to respond to an incident of or
7 credible threat of workplace violence against employees ~~providing direct~~
8 services delivering social services directly to clients;

9 (2) a system for centrally recording all incidents of or credible threats of
10 workplace violence against employees ~~providing direct services~~ delivering
11 social services directly to clients;

12 (3) a training program to educate employees ~~providing direct services~~
13 delivering social services directly to clients about workplace violence and
14 ways to reduce the risks; and

15 (4) the development and maintenance of a violence prevention and
16 response committee that includes employees ~~working directly with~~ delivering
17 social services directly to clients to monitor ongoing compliance with the
18 violence prevention and crisis response policy and to assist employees
19 ~~providing direct services~~ delivering social services directly to clients.

20 (c) In preparing the written violence prevention and crisis response policy
21 required by this section, the Agency, each department of the Agency, and

1 providers identified in subdivision (a)(2) of this section shall ensure the policy
2 is consistent with the U.S. Occupational Safety and Health Administration's
3 Guidelines for Preventing Workplace Violence for Healthcare and Social
4 Service Workers ~~or any subsequently adopted federal regulations or State rules~~
5 ~~governing workplace safety as amended.~~

6 (d) A written workplace violence prevention and crisis response policy
7 shall be evaluated annually and updated as necessary by the violence and
8 prevention response committee and provided to employees ~~who work directly~~
9 ~~with delivering social services directly to~~ clients.

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

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

15 § 7114. SAFETY POLICIES FOR ~~SOCIAL AND MENTAL HEALTH~~
16 ~~WORKERS EMPLOYEES DELIVERING DIRECT SOCIAL~~
17 ~~SERVICES~~

18 (a) The Agency of Human Services ~~and each department of the Agency~~
19 shall establish and maintain a workplace violence prevention and crisis
20 response policy ~~for each of its departments~~ for the benefit of employees

1 working directly with delivering social services directly to clients pursuant to
2 33 V.S.A. § 8201.

3 (b) The Agency shall ensure that its contracts with providers described in
4 33 V.S.A. § 8201(a)(2) require the providers to establish and maintain a
5 written workplace violence prevention and crisis response policy for the
6 benefit of employees working directly with delivering social services directly
7 to clients pursuant to 33 V.S.A. § 8201.

8 Sec. 3. EFFECTIVE DATE

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

10 and that after passage the title of the bill be amended to read: “An act
11 relating to safety policies for employees delivering direct social services”

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18 (Committee vote: _____)

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Senator _____

FOR THE COMMITTEE