

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare 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 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 EMPLOYEES DELIVERING DIRECT

10 SOCIAL SERVICES

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

16 (2) The Agency shall ensure that its contracts with providers whose  
17 employees deliver direct social services and that are administered or  
18 designated but not otherwise licensed by a department of the Agency include  
19 the requirement that providers establish and maintain a written workplace  
20 violence prevention and crisis response policy that meets or exceeds the

1 requirements of this chapter in place for the benefit of employees delivering  
2 direct social services.

3 (b) A written workplace violence prevention and crisis response policy  
4 prepared with input from employees delivering direct social services shall  
5 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 delivering direct  
8 social services;

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

11 (3) a training program to educate employees delivering direct social  
12 services about workplace violence and ways to reduce the risks; and

13 (4) the development and maintenance of a violence prevention and  
14 response committee that includes employees delivering direct social services to  
15 monitor ongoing compliance with the violence prevention and crisis response  
16 policy and to assist employees delivering direct social services.

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

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 delivering direct  
4        social services.

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 EMPLOYEES DELIVERING DIRECT  
11        SOCIAL SERVICES

12        (a) The Agency of Human Services, in collaboration with each department  
13        of the Agency, shall establish and maintain a workplace violence prevention  
14        and crisis response policy for the benefit of employees delivering direct social  
15        services 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 delivering direct social services pursuant to 33 V.S.A.  
20        § 8201.

1       Sec. 3. EFFECTIVE DATE

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

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

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7           (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE