

Multnomah Education Service District

Code: **GBEA-AR**
Adopted: 8/01/11

Staff Protection

1. **Self-Protection:** Employees may take reasonable and necessary action to protect themselves from immediate impending assault but the employee must use appropriate measures to avoid assault.
2. **Reporting the Assault:**
 - a. The employee will report the assault or see that the assault is reported to his/her supervisor as soon as possible after the event;
 - b. The supervisor will assist in: (1) seeing that appropriate medical attention is given and/or arranged for; (2) seeing that the assault is reported and/or filed with the appropriate police agency; (3) reporting the incident to the Director of Human Resource Services so insurance procedures can be initiated;
 - c. The incident will be reported to MESD's General Counsel by the Superintendent or a designee;
 - d. If the assault exposed the staff member to body fluids of another, the staff member will be directed to contact the nurse consultant, Health and Social Services, for post exposure follow up under OSHA regulations.
3. **General Counsel Accessibility:** MESD will arrange a conference with MESD's General Counsel at MESD expense. The attorney will provide the employee with information and/or direction in regard to:
 - a. Filing the complaint with the proper authority;
 - b. Criminal trial procedure;
 - c. The availability of civil remedies.
4. **Days Missed as a Result of Assault:** Days absent from duty, whether for injury, doctor's direction, hospitalization, appointment with doctor as directed by doctor, attorney consultation or court proceeding directly relating to the assault, will not be charged against any leave days, but the absence(s) must be consistent with worker's compensation guidelines.
5. **Limitations:**
 - a. MESD reserves the right of approval of the choice of doctors.
 - b. The doctor must release the employee for return to work.
 - c. Upon the doctor's release, the employee must return to work. If the employee chooses to be absent after the doctor's release and if the absence is or is claimed to be a result of the assault, the absence(s) will be subtracted from the employee's accumulated sick leave;
 - d. MESD reserves the right to be in consultation with the attending doctor before and/or after the release of the employee.

6. **Medical Expenses as a Result of Assault:** MESD will apply for worker's compensation on behalf of the employee. The employee will also be eligible for MESD's medical insurance and accidental death and dismemberment if the employee is on the roll for these benefits prior to the assault.
7. **Termination of Assault Benefits:** The benefits described will terminate when:
 - a. The doctor has released the employee to go back to work;
 - b. The employee is found to be the aggressor in the incident; or
 - c. The employee resigns.
8. **Findings of Fault:** In the event a court of law finds that the employee was the aggressor in the assault incident, all payments of benefits will cease and MESD will have a cause of action against the employee for repayment of benefits.

WORKERS' COMPENSATION CASES

(Note: A case must involve a death, or an illness, or an injury to an employee.)

