

R 8-1-5 Employee Protection

Liability Insurance:

As prescribed by state law, the Preston County Board of Education shall provide liability insurance coverage for all Board employees and the Board members themselves in the amount of six million dollars for each occurrence of a lawsuit. The State Board of Risk shall provide one million dollars of this coverage and the remaining five million dollars shall be provided through coverage purchased by the Preston County Board of Education from a company licensed to do business in the state. The insurance policy shall include comprehensive coverage, personal injury coverage, malpractice coverage, corporal punishment coverage, legal liability coverage, and payment of appropriate attorney fees.

Sexual violence (sexual abuse or molestation) in our society has become such an issue that the West Virginia Board of Risk and Insurance Management (BRIM) can no longer find an insurance carrier who is willing to provide excess coverage for employees beyond the one million dollars provided by the state. As of July 1, 2005, school employees may only rely on the one million dollars of coverage for acts involving sexual violence. BRIM will continue to provide five million dollars of excess liability coverage for other types of allegations lodged against school employees.

Protection against Physical Threat or Actual Physical Assault:

Recognizing the increasing possibility of physical threat or actual physical assault upon Board of Education employees, the West Virginia State Legislature has enacted appropriate protective legislation. The essence of the act is as follows:

- ❖ Any person who commits an assault by unlawfully attempting to inflict a violent injury to the person of school employees shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail not less than five days or more than six months and fined not less than fifty dollars or more than one hundred dollars. An assault may occur:
 - While employees are engaged in the performance of their duties; or
 - Are commuting to or from work; or
 - As a result of retaliation for some action taken by the employee to supervise or discipline a student; or
 - By exhibiting behaviors that place a school employee in reasonable apprehension of immediately receiving a violent injury
- ❖ Any person who commits a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee or by unlawfully and intentionally causing physical harm to a school employee shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail not less than ten days nor more than twelve months and fined not less than one hundred dollars nor more than five hundred dollars. A battery may occur:
 - While employees are engaged in the performance of their duties; or
 - Are commuting to or from work; or
 - As a result of retaliation for some action taken by the employee to supervise or discipline a student.

For purposes of this section, "school employee" means a person employed by the Board of Education whether employed on a regular full-time basis, an hourly basis or otherwise. Also, for the purpose of this section, student teachers shall be considered "school employees".

Threats, harassment, physical or mental abuse of any employee from any source will not be tolerated. The guidelines listed below should be followed if a violation occurs.

- ❖ The employee will use reasonable and prudent measures to avoid physical harm.
- ❖ The employee should immediately notify his/her principal or supervisor. In serious incidents, proper police authorities will be notified and furnished needed information.
- ❖ A written report of the incident will be filed with the immediate supervisor.
- ❖ Employees will be granted paid leave for mandatory court appearance concerning these violations.

For the general welfare of staff and students, loitering on school property will not be permitted. Employees have the obligation to notify the principal of the presence of unauthorized personnel on school property. The principal will take the necessary action to insure safety of staff and students.

(WVC §18A-5-1a; §29-12-5a; §61-2-15 and §61-6-14a)