

C-12 WORKPLACE VIOLENCE PREVENTION POLICY



Inception Date: 05/13/1997
Last Revision Date: 12/03/2013
By: HR/Risk Management
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REVIEWED: 08/31/2017

12.1.0 PURPOSE

- 12.1.1 This policy describes the resources and processes available to address disruptive, threatening, or violent behavior (hereinafter referred to as “disruptive behavior”) in the workplace, including definitions and procedures for reporting and responding to reports. The purpose of the policy is to provide a means to quickly address workplace behavior that threatens safety, or is disruptive to the workplace.
- 12.1.2 Employees found to have engaged in disruptive behavior may be subject to discipline for misconduct or corrective action for performance deficiencies pursuant to separate applicable County policies or collective bargaining unit agreement. Incidents or complaints that involve allegations of sexual harassment or discrimination should also be reported under the applicable County policy.
- 12.1.3 Prohibited disruptive behavior or conduct in the workplace, whether between coworkers, employees and domestic partners or family members; or employees and non-employees, includes, but is not limited to:
- A. Verbal conduct – offensive comments made by employees or non-employees intended to intimidate, frighten, coerce or induce duress, or communicates a threat of imminent bodily harm.
 - 1. Such prohibited conduct includes behavior in-person, by telephone, through electronic media, or any other form of communication.
 - B. Physical conduct – uninvited physical contact, consisting of such things as threatening gestures, hitting or punching, or throwing of objects.
 - C. Property damage – willful damage to or destruction of County property or personal property of another.

12.2.0 POLICY

- 12.2.1 The County is committed to providing and maintaining a safe and secure environment free from all forms of disruptive behavior.
- 12.2.2 The County shall respond promptly and effectively to address reported violent disruptive behavior.
- 12.2.3 The County shall develop programs to prevent disruptive behavior from occurring and provide resources to individuals affected by disruptive behavior.

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12.3.0 VIOLENCE OR THREATS OF VIOLENCE - DEFINITIONS

12.3.1 California Occupational Safety and Health Administration ("CalOSHA") identifies workplace violence by four main categories:

- A. Criminal Intent (Type 1) – The perpetrator has no legitimate relationship to the County or its employees and is usually committing a crime in conjunction with the violence. These crimes can include robbery, shoplifting, and trespassing.
- B. Customer/Client (Type 2) – The perpetrator has a legitimate relationship to the County and becomes violent while being served by the County. This category includes customers, clients, patients, students, inmates, and any other group for which the business provides services. It is believed that a large proportion of customer/client incidents occur in the health care industry, in settings such as nursing homes or psychiatric facilities; the victims are often patient caregivers. Police officers, prison staff, flight attendants, and teachers are some other examples of workers who may be exposed to this type of workplace violence.
- C. Worker-on-Worker (Type 3) – The perpetrator usually is an employee or past employee of the County who attacks or threatens another employee(s) or past employee(s) in the workplace.
- D. Personal Relationship (Type 4) – The perpetrator usually does not have a relationship with the County, but has a personal relationship with the intended victim. This category includes victims of domestic violence assaulted or threatened while at work.

12.4.0 PROHIBITED WEAPONS

12.4.1 The provision **does not** include peace officers (as defined by Section 830-832.16 of the California Penal Code) or employees and contractors authorized by law and their appointing authority to carry weapons, or employees who carry knives (and related implements) that are used as tools in the regular course of County business with the awareness and approval of their appointing authority.

12.4.2 The County of Solano is committed to the principle that a work environment free of threats of violence, threatening behavior, and acts of violence is essential to providing effective and efficient government services. With the exception of paragraph 12.4.1 and exceptions noted in 12.4.1, no person shall have in their possession, while on any property owned or leased by the County, any County worksite (including outdoor worksites), or in County vehicles, any of the following items: (This section also pertains to individuals who have permits to Carry a Concealed Weapon (CCW)).

- A. Firearm, assault weapon or other dangerous weapon (as defined in Sections 16520, 12020, 12276, of the California Penal Code), including, but is not limited to,

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pistols, handguns, rifles, shotguns, knives, swords, or martial arts weapons (such as *nun chakus* and *tonfas*).

- B. Explosive or destructive device (as defined in Section 12000 of the California Health and Safety Code) includes, but is not limited to, ammunition, fireworks, firecrackers, explosive or incendiary devices or materials.
- C. Chemical agent, such as mace and pepper spray.
- D. Taser or stun gun (as defined in Section 244.5 of the California Penal Code).

12.4.3 The County Administrator, with the concurrence of the Human Resources Director, the Sheriff, and the department director may, in writing, **authorize employees to carry a weapon** for justifiable, documented, and work-related purposes. See Attachment A, *Employee's Application for Exemption to Weapons Ban*.

12.4.4 Specific situations arising with regard to Section 12.4.2 may be reviewed on a case-by-case basis taking into consideration the following:

- A. Ensure that all employees and the public conducting business with the County of Solano be free from the threat of violence either by gesture, verbal threat, implied threat, or physical act while in the course of duties or obtaining services from the County;
- B. Shall not impede the regular and necessary conduct of County business; and
- C. Shall not impede individual rights so long as the primary intent described herein is followed.

12.5.0 PROCEDURES

12.5.1 Reporting:

- A. Disruptive behavior that is violent or criminal in nature that requires immediate intervention shall be reported to emergency dispatch by calling 9-911. Generally speaking, the Sheriff's Office is the first responder to County facilities.
- B. Disruptive behavior that is not an emergency or urgent in nature shall be reported to the supervisor, manager or department head, which may then use any of the following resources listed in Section 12.8.0 to help resolve the issue. See Attachment B, *Workplace Violence/Threat of Violence Reporting Form*.
- C. The County shall protect the identity of individuals reporting disruptive behavior to the extent permitted or required by law or County policy, but may need to make disclosures to complete a fair review of the matter. Reporting employees and

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employees who are subsequently interviewed during the course of the investigation shall do so without fear of reprisal or retaliation by the County.

12.5.2 County Response:

A. Disruptive behavior that is non-threatening or non-violent.

1. The supervisor, department head, or other appropriate official shall take appropriate action to investigate and stop reported disruptive behavior in the workplace.
2. If further assistance is required, the supervisor shall contact the appropriate office identified in 12.5.1.B to request advice or report the behavior.

B. Threatening or violent behavior.

1. Any supervisor, department head, or other official who receives a report of alleged threatening or violent behavior may engage the assistance of the Workplace Violence Response Team; see Section 12.6.4. The team shall review the complaint to determine appropriate response to address the behavior.

C. When necessary, individuals engaging in disruptive behavior may be suspended, put on investigatory leave, or excluded from County properties, as appropriate. (Refer to the applicable personnel policy or collective bargaining agreement for procedures.)

12.6.0 ROLES AND RESPONSIBILITIES

12.6.1 Employees:

- A. Are expected to conduct themselves with civility and respect for the rights and welfare of others in the workplace, while conducting County business, and on County properties.
- B. Shall report disruptive behavior that they experience, have knowledge of, or witness.

12.6.2 Supervisors and Department Heads:

- A. Shall consult with appropriate County resources or members of the Workplace Violence Response Team when receiving reports of disruptive behavior.

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- B. Shall develop and implement appropriate procedures and protocols that address and mitigate known hazards that can lead to disruptive or violent incidents in the workplace.
- C. Shall communicate procedures and protocols (Section 12.6.2 B) to employees and provide appropriate training in that regard.
- D. Shall ensure that employees receive the recommended training in workplace violence prevention so that the employee is fully informed of the content of this policy. See Attachment C, *Acknowledgement of Review by Employee and Supervisor*, which shall be forwarded to HR for inclusion in the personnel file.
- E. Shall implement appropriate corrective or disciplinary action in accordance with applicable procedure or collective bargaining agreement.
- F. At the end of the fiscal year, shall transmit a yearly report of workplace violence incidents to Human Resources/Risk Management. Such report will contain information that informs as to the name of the perpetrator, department (division), date of incident, date reported, date resolved/closed, type or nature of the complaint, the resolution.

12.6.3 County

- A. Shall provide all new employees with a copy of this Policy during New Employee Orientation.
- B. Shall provide workplace violence prevention training for all employees, with a specific segment directed toward supervisors and managers. For employees with shift schedules, the training can be accomplished on the County's on-line training program. All employees are encouraged to repeat the on-line class bi-annually as a refresher.

12.6.4 Workplace Violence Response Team

- A. Depending on the circumstances and the nature of the incident, the team may be composed of representatives from Human Resources, Risk Management, Sheriff's Office, Occupational Health, Employee Assistance Program, Mental Health, and with counsel from County Counsel.
 - 1. Assesses potential threats of disruptive behavior.
 - 2. Serves as a County resource to assist in preventing and providing an appropriate response to reports of disruptive behavior.

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12.7.0 AMENDMENTS

12.7.1 The Risk Manager, with concurrence of the County Administrator, is authorized to make periodic amendments to this policy as is deemed appropriate to reflect current law and practices.

12.8.0 REFERENCES, RESOURCES AND RELATED POLICIES

A. References:

1. C-5 Equal Employment Opportunity (EEO) Harassment/Discrimination Policy
2. C-9 Americans with Disabilities Act (ADA) Title I/FEHA Policy
3. Baron, S. Anthony: Violence in the Workplace: A Prevention and Management Guide for Business. Ventura, CA Pathfinder Publishing 1993
4. Cal/OSHA, Department of Industrial Relations, "Guidelines for Security and Safety of Health Care and Community Service Workers" 1993
5. Cal/OSHA, Department of Industrial Relations, "Guidelines for Workplace Security," March, 1995
6. U.S. Department of Labor Occupational Safety & Health Administration- "Workplace Violence" website: <http://www.osha.gov/SLTC/workplaceviolence/>
7. NIOSH, Centers for Disease Control and Prevention – "Occupational Violence" Interventions website: <http://www.cdc.gov/niosh/topics/violence/>
8. Department of Homeland Security – "How to Respond When An Active Shooter Is In Your Vicinity."

B. Resources:

1. Crisis Response Team:
 - a. Human Resources, Analyst for the department
 - b. Risk Manager, Human Resources
 - c. Employee Labor Relations, Human Resources
 - d. County Counsel

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2. **Emergency Dispatch:** 9-911 (OR for non-emergency situations requiring law enforcement 421-7090)
3. **Employee Assistance Program** for counseling of employees and managers: 800-242-6220 or for immediate assistance 800-322-9707
4. Human Resources Training – Workplace Violence Prevention training for all employees
5. Human Resources/Risk Management – “Violence Prevention Brochure”
6. **Workplace Injury Hotline** (Company Nurse) to report an injury: 877-247-1449