

WORKPLACE VIOLENCE PREVENTION POLICY



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COUNTY OF DEL NORTE

WORKPLACE VIOLENCE PREVENTION POLICY

I. GOAL STATEMENT

It is the goal of Del Norte County to strive for a workplace environment free from threats, intimidation, or actual violence to its employees or the citizens they serve in the course of that employment.

II. POLICY STATEMENT

- A. As a part of the County 's continuing commitment to workplace safety, the Del Norte County Board of Supervisors is determined to strive for an atmosphere free from actual or threatened violence against any employee(s) or the citizens we serve. The Workplace Violence Prevention Policy (WPVP) is implemented in accordance with Title 8, California Code of Regulations Section 3203.
- B. Any act of violence or threatening conduct of any kind by an employee or citizen within the course of county work hours, whether directed against a co-worker, manager or outside party will not be tolerated. This conduct includes but is not limited to:
1. Striking, punching, slapping or assaulting another person.
 2. Fighting or challenging another person to a fight.
 3. Grabbing, pinching or touching another person in an unwanted way (sexually or otherwise).
 4. Possessing or bringing any unauthorized or unlawful firearm, unlawful knife or other unlawful weapon into/onto county owned or leased property or while on county business.
 5. Threatening or harming another person in any way, whether verbal, written or physical.
 6. Any intimidating behavior perceived as a threat.
- C. Any employee(s) found to have engaged in such unacceptable behavior will be disciplined. In appropriate cases the County will seek criminal prosecution and cooperate fully with law enforcement authorities.
- D. No person shall have to tolerate violence or the threat of violence on the job. Any person who is the victim of any violent, threatening or harassing conduct, or who observes such conduct, shall report the conduct to her/his nearest supervisor. That

supervisor shall initiate investigation procedures immediately. No adverse action will be taken against anyone who brings a good-faith complaint under this policy.

- E. Appropriate action will be taken to prevent any further violent conduct or threat of violent conduct from occurring or being repeated.
- F. A copy of this Workplace Violence Prevention Policy is provided to all employees by each manager and supervisor.

III. **LEGAL AUTHORITY**

California Labor Code Section 6400:

Requires every employer to furnish a safe and healthful place of employment.

California Government Code Section 19572:

Prohibits workplace violence, discourteous treatment, negligence and/or recklessness, and constitutes cause for discipline.

California Penal Code Section 171(b):

Prohibits any person from bringing or possessing within any state or local public building firearms and other weapons as described in this section. Any person who brings or possesses any of these items is guilty of a public offense punishable by imprisonment in a county jail for not more than one year, or in state prison.

IV. **RESPONSIBILITIES UNDER THE POLICY**

- A. Board of Supervisors: The Board of Supervisors has the ultimate authority and responsibility for the provisions of the Del Norte County Workplace Violence Prevention Policy.
- B. County Administrative Officer, Department Heads, Safety Officer, Risk Manager, Supervisors and Managers:
 - 1. Shall not possess or bring any unauthorized or unlawful firearm, unlawful knife or other unlawful weapon into/onto county owned or leased property or while on county business.
 - 2. Shall not engage in violent, threatening or intimidating behavior toward any person.
 - 3. Are responsible for implementing the Policy.
 - 4. Ensure that all supervisors implement and maintain this Workplace Violence Prevention Policy.

5. Assure that all department heads assess the risk of workplace violence and mitigate any identified risk.
6. Ensure that the appropriate department head, safety officer and the risk manager are immediately notified of any threats or acts of violence. Further, that the department head provides the safety officer and the risk manager with an ongoing status report when appropriate.
7. Ensure that all reports of workplace violence are taken seriously and investigated in conjunction with the risk management division.
8. Ensure that all supervisors and managers are fully informed of all the elements of the Workplace Violence Prevention Policy.
9. Ensure all appropriate employees are immediately made aware of the potential threat and provided a description of the threatening employee(s), or citizen(s).
10. Notify, as appropriate, the victim and the accused of the outcome of the investigation.
11. Conduct ongoing workplace violence risk assessments. Supervise, evaluate and document employee(s) behavior and performance in conformance with safe work practices.

C. All Officials and Employees:

1. Shall not engage in violent, threatening or intimidating behavior toward any person.
2. Shall not possess or bring any unauthorized or unlawful firearm, unlawful knife or other unlawful weapon into/onto county owned or leased property or while on county business.
3. Immediately report all threats or incidents of violent behavior exhibited by employees or citizens to the nearest available supervisor or manager.
4. Immediately disengage and contact a supervisor upon any instance of direct violence or threatening behavior.

NOTE: Every employee must know his or her responsibilities under the Workplace Violence Prevention Policy.

V. INCIDENT REPORTING:

- A. The County of Del Norte requires prompt and accurate reporting of all incidents whether or not physical injury has occurred.
- B. Threats or incidents may be reported in person or anonymously to any supervisor, manager, department head, the safety officer or the risk manager.
- C. This report may be done verbally or in written form.
- D. When any department head, supervisor or manager or the safety officer are informed of threats or violent behavior that create a danger to the safety of employee(s) they shall:
 - 1. Ensure law enforcement, risk manager and other appropriate employees are immediately made aware of the potential threat and provide a description of the threatening employee(s), citizen(s) or situation.
 - 2. Contact the local law enforcement agency and request increased patrol/security checks be made at the facility if appropriate, request a police report be taken on the incident.
 - 3. If other County facilities are affected or are the object of the threats, ensure appropriate personnel at the facility are notified.

VI. INCIDENT INVESTIGATION:

- A. Incident investigation includes not only acts of actual violence but may include threats as well.
- B. An investigation shall be initiated immediately upon knowledge of the incident and shall be concluded as soon as possible. The reporting employee(s) shall be informed of the procedure to be followed.
- C. The investigation will be conducted by the safety officer and the department head or her/his designee. The investigation may also include a representative of law enforcement and shall include a review of previous incidents.
- D. All individuals necessary to conduct a thorough investigation will be interviewed. All employees shall cooperate with the investigation without fear of retaliation.
- E. Confidentiality shall be maintained during the investigation to the extent possible.
- F. To the extent possible, the department head or her/his designee will give the reporting employee(s) a verbal status report of the ongoing investigation. At the conclusion of the investigation, a written response may be provided to the reporting employee(s).

- G. The safety officer will notify all departments of any trend or change in reported workplace violence incidents. The County will utilize departmental meetings and posting to ensure that employees are aware of workplace violence issues.

VII. COMPLIANCE

- A. During the investigation
 - 1. When notice of a violation of the Workplace Violence Prevention Policy is received by the Personnel/Risk Management Division, the suspected employee(s) may be placed on paid administrative leave pending investigation. The decision will take into account the following:
 - a. Type of complaint
 - b. Threat of or actual violence
 - c. Past behavior of employee
 - d. Potential for reoccurrence
 - 2. The availability of professional counseling shall be communicated to the employee(s), both victim and accused.
 - 3. The victim will be protected to the extent possible. This may include a temporary departmental transfer.
 - 4. Under certain circumstances, a request of a restraining order may be necessary.

VIII. CONCLUSION OF THE INVESTIGATION

- A. At the conclusion of the investigation the department head shall make one of the following findings:
 - 1. Sustained: Findings found to be true with consequences.
 - 2. Not Sustained: Findings were insufficient.
 - 3. Unfounded: Allegations were found untrue.
 - 4. Justified: Warranted self-defense, just cause.
- B. The victim and the accused will be notified, of the outcome of the investigation by the department head and/or the risk manager.
- C. Written documentation of the investigation and its conclusion will be maintained in a confidential file.
- D. The following measures may be implemented:

1. Professional counseling if recommended by medical doctor.
2. Evaluation of the incident and possible risk factors.
3. Evaluation of office/building security measures.
4. Review of corrective security measures and procedures.

IX. TRAINING

- A. Training in the following topics will be provided for all County employees, with refresher training to be held at the department level:
1. Policy training
 2. Workplace violence awareness
 3. Diffusion techniques
 4. Forms of hostility
 5. Emergency response drills
 6. Bomb threats
 7. On site customized evacuation plan
 8. Hostage survival

X. DOCUMENTATION

- A. Record keeping is an important part of an effective Workplace Violence Prevention Policy. The following types of records will be kept:
1. Log in sheet of training session
 2. Inspections and assessment reports
 3. Safety meetings and communication
 4. Incident investigation reports
 5. Police Reports
- B. Risk Management will maintain an accurate record of all workplace violence incidents. Incident reports shall be maintained as required by law.
- C. Any injury, which requires more than first aid, is a lost-time injury, or requires modified duty, will be recorded on the OSHA log, if applicable.
- D. Incidents of abuse, verbal attack, or aggressive behavior, which may be threatening to the employee, but not resulting in injury, will be recorded.

XI. DEFINITIONS

Act of Violence – An act of violence is the attempt (coupled with the ability), or actual use of force of violence with the intent to threaten, harass, intimidate, commit a violent injury, or damage/destroy property.

Threat – A threat is a statement (verbal, written or physical) which is intended to intimidate by expressing the intent to either harass, hurt, take the life of another person, or damage/destroy property. This includes threats made in jest but which others could perceive as serious.

Harassment – The creation of a hostile work environment through unwelcome words, actions, or physical contact not resulting in physical harm. Verbal harassment may include disparaging or derogatory comments or slurs, unreasonable or excessive criticism, or name calling.

Intimidate – To make afraid; to frighten, alarm, annoy, or scare. To force a person into, or deter them from, some action by inducing fear by, or as if by, threats.

Stalking – Stalking occurs when any person willfully, maliciously and repeatedly follows or harasses another and makes a credible threat with the intent to place that person in reasonable fear for his/her safety or the safety of his/her immediate family.

County Workplace – A county workplace shall be anywhere a county employee is conducting authorized county business, or enroute to and from (excluding normal commute) a location where state business is, will be, or has been, conducted.

Workplace Violence – The three major types of workplace violence are:

Type I – The aggressor has no legitimate business relationship to the workplace and usually enters the affected workplace to commit a robbery or other criminal act such as robbery.

Type II – The aggressor is wither the recipient or the object, or a service provided by the affected workplace or the victim, such as a current or former client, patient, customer, passenger, criminal suspect, inmate or prisoner.

Type III – The aggressor has some employment-related involvement with the affected workplace such as current or former employee, supervisor, manager; a current/former spouse or significant other, a relative, friend; or some other person who has a dispute with an employee of the affected workplace.