


ADMINISTRATIVE POLICY PROHIBITING WORKPLACE VIOLENCE

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Approved:


Department


City Manager

I. OBJECTIVE

The City of Wildomar ("City") is strongly committed to ensuring the safety of all City employees and to provide them with a safe and secure workplace. For purposes of this policy, the workplace includes any location where City business is conducted, including but not limited to City-owned or leased buildings and surrounding areas, such as sidewalks, walkways, driveways, and parking lots under the City's ownership or control. This policy also applies to all City-owned or leased vehicles and all vehicles that come onto City property.

Consistent with this policy, acts or threats, whether verbal or physical, of violence, including intimidation, harassment, and/or coercion, which involve or affect City employees, will not be tolerated and will be subject to appropriate disciplinary action, up to and including termination. In addition, a violation of this policy may lead to criminal prosecution.

As part of this policy, the City adopts and will implement the attached Workplace Violence Prevention Plan. The City has also adopted an Illness and Injury Prevention Plan (IIPP), which contains a plan for workplace security. Employees may review that plan at the Department of Administrative Services, located at the Human Resources and Risk Manager's Office.

II. THREATS OR ACTS OF VIOLENCE DEFINED

A credible threat of violence is a knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family, and that serves no legitimate purpose. Any person may present a credible threat of violence in the workplace, including, but not limited to, employees, visitors, and members of the public. General examples of prohibited workplace violence include, but are not limited to, the following:

1. Threatening to harm or harming an individual and/or their family, friends, associates, and/or their property;
2. Fighting, challenging another individual to a fight, or participating in dangerous or threatening horseplay;
3. Striking, punching, slapping, or assaulting another person;

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4. Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise;
5. Intimidation through direct or veiled verbal threats, or through physical threats, such as obscene gestures, grabbing, and pushing;
6. Making harassing or threatening telephone calls; sending harassing or threatening letters, text messages, instant messages, emails, or other correspondence;
7. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City;
8. Harassing surveillance or stalking, which is engaging in a pattern of conduct with the intent to follow, alarm, or harass another individual, which presents a credible threat to the individual and causes the individual to fear for their safety, or the safety of their immediate family, as defined in California Civil Code section 1708.7;
9. Suggesting or otherwise intimating that an act to injure persons or property is appropriate behavior;
10. Use of a personal or City-issued tool or other equipment in a threatening manner toward another;
11. Possession of firearms (loaded or unloaded), weapons, or any other dangerous devices on City property. This includes look-alike weapons, such as toy guns. Weapons and dangerous devices may include, but are not limited to, the following: tasers of any kind, pepper spray, blackjacks, slingshots, metal knuckles, explosive substances, dirks, daggers, gas- or spring-operated guns, knives, folding knives having a blade that locks into place, razor blades, clubs, poisons, and acids.
 - a. The City prohibits the possession or use of the weapons identified above, regardless of whether the employee possesses a concealed carry weapon permit or is allowed by law to possess the weapon.
 - b. This section's prohibition on the possession or use of a weapon does not apply when possession or use of a weapon is expressly authorized by the employee's job description. However, this exception is limited only to a weapon the employee is authorized or required to possess or use as part of their job, and not to any personal weapons or weapons that are not authorized or required for work-related use by that employee.

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III. EMPLOYEE RESPONSIBILITIES

Employees are expected to exhibit workplace behaviors that demonstrate respect for others and professionalism at all times during working hours or while conducting City business. In addition to the prohibited acts of workplace violence detailed in section II above, employees shall refrain from the following:

1. Engaging in verbal abuse of others;
2. Creating disturbances in the workplace causing co-workers to be concerned for their safety;
3. Bullying of employees;
4. Failure to notify City of domestic violence threats that impact the workplace or that are crossing over from home to work. This includes employees with civil restraining or stay-away orders against a current or former spouse or partner. Note, that it is not the City's intent to pry into employees' personal lives. However, when an employee has received a threat of domestic violence or the employee has filed domestic violence related civil order, the employee is required to notify human resources. Additionally, the Human Resources and Risk Manager may intervene with support, safety information, and access to resources, including law enforcement or domestic violence advocacy agencies.

Senate Bill 400 (SB400) protects employment rights of victims of domestic violence, sexual assault, and stalking. An employee is protected from firing or other discrimination because of the employee's known status as a victim. Employees can request safety accommodations for any instances they feel the threat of domestic violence may carry over from home into the workplace. The City is required to provide reasonable safety accommodations to employees; however, the City may deny a request for accommodation if it constitutes an undue hardship. SB 400 prohibits discrimination or retaliation against an employee requesting a safety accommodation as a result domestic violence, sexual assault, or stalking.

IV. SEARCHES OF PROPERTY

The City reserves the right at any time and at its discretion to search all City-owned or leased vehicles, including City property, for the purpose of determining whether any weapon is being, or has been, brought onto its property or premises in violation of this policy. Searches of employees' personal property shall only be conducted in conformance with any applicable laws and regulations. Employees who fail or refuse to promptly permit a search under this policy will be subject to discipline, up to and including termination.

V. REPORTING WORKPLACE VIOLENCE

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Any employee who is the victim of a threat or act of violence, or any employee who witnesses such conduct, should immediately report the incident to their supervisor or department head. The supervisor or department head will immediately report the matter to human resources. Should the employee perceive that they are in immediate danger of a violent act, or has just been victimized by a violent act, or is a witness of a violent act in progress, shall, as soon as possible:

1. Place themselves in a safe location;
2. If appropriate, call 911 and request immediate response of a police officer and be prepared to inform the dispatcher of the circumstances and the exact location of where assistance is needed;
3. If possible, warn other employees or members of the public who may also be in danger;
4. Inform a supervisor or human resources of the circumstances.

After the immediate threat has passed, the employee will be asked to complete a written report as soon as possible and submit the original copy to human resources. The employee should also cooperate fully in any administrative or criminal investigation, which shall be conducted within existing policy and laws.

VI. REPORTING FUTURE WORKPLACE VIOLENCE

Employees who have reason to believe, they or any City employee may be the subject of a violent act in the workplace, or because of their City employment, should immediately notify their supervisor or human resources.

VII. RESPONDING TO COMPLAINT OF WORKPLACE VIOLENCE

The Human Resources and Risk Manager or designee will document the incident, including the employee names(s), date/time, location, incident description, witness names and statements, description of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.

The Human Resources and Risk Manager or designee will take appropriate steps, as deemed necessary, to provide security, such as:

1. Placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation;
2. Asking any threatening or potentially violent person to leave the site; or
3. Immediately contacting an appropriate law enforcement agency.

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The Human Resources and Risk Manager will see that reported violations of this policy are investigated, as necessary. Such an investigation may also include a threat assessment. Human resources is responsible for maintaining records and follow-up actions as to reports of workplace violence.

VIII. NO RETALIATION

Employees shall not be retaliated against or threatened with retaliation for good faith reports or participation in investigation of actual or suspected incidents of workplace violence.

IX. VIOLENT INCIDENT LOG

The City will maintain a Violent Incident Log ("Log") to record details about every workplace violence incident. The City will include details as required by law concerning each incident, which include: Date, time, location, violence type, description of incident, and consequence of the incident.

X. RECORDKEEPING

The City shall maintain records of workplace violence hazard identification, evaluation, and correction for a minimum of one year. Training records shall also be maintained for a minimum of one year and include details concerning the type of training and training attendees. The City shall maintain the Log for a minimum of five years.

XI. VIOLATION OF POLICY

The City prohibition against threats and acts of violence applies to all persons involving City operations, including but not limited to City personnel, contract and temporary workers, vendors, and anyone else on City property. Violations of this policy by any individual may be followed by legal action as appropriate, which may include criminal prosecution, seeking a temporary restraining order and/or injunction on behalf of City employees, if the situation warrants such action. In addition to appropriate legal action, violations of this policy by employees, including making a false report under this policy, may lead to appropriate disciplinary action, up to and including termination.

WORKPLACE VIOLENCE PREVENTION PLAN

I. PURPOSE

The workplace violence prevention plan is created to increase awareness among City employees for the potential of violence within the organization and to recognize signs, remedies, and consequences of a violent act.

As the behavior of individuals can vary in unpredictable ways, the threat of workplace violence cannot be eliminated. However, management and employees can work together to identify and reduce the components frequently associated with workplace violence and be prepared to respond appropriately to threats of violence or a violent situation.

The purpose of this plan is to reduce the occurrence of injuries from workplace violence and decrease the potential and actual economic loss for employees, the public, and the City.

The workplace violence prevention plan is in compliance with Cal/OSHA's "Guidelines for Workplace Security", which requires employers to develop a workplace security component to their Injury and Illness Prevention Program (IIPP). Employees are advised that disciplinary action may result from violation of this plan or any workplace safety procedure. Employees are further advised that the principles of progressive discipline may be waived in instances of egregious or serious acts by employees. Termination from employment is a possibility and may be the only disciplinary action that is taken.

II. DEFINITIONS

Threat of violence means a statement or conduct that causes a person to fear for their safety because there is a possibility the person might be physically injured and that serves no legitimate purpose.

Workplace violence means any threat or act of violence that occurs in a place of employment. The term shall not include lawful acts of self-defense or defense of others. Workplace violence includes the following:

1. The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury;
2. An incident involving the threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury;
3. Four workplace violence types:

- i. *Type I violence* means workplace violence committed by a person who has no legitimate business at the worksite and includes violent acts by anyone who enters the workplace with the intent to commit a crime;
- ii. *Type II violence* means workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors;
- iii. *Type III violence* means workplace violence against an employee by a present or former employee, supervisor, or manager;
- iv. *Type IV violence* means workplace violence committed in the workplace by someone who does not work there but has or is known to have had a personal relationship with an employee.

III. CITY RESPONSIBILITIES

The City is responsible for providing employees with education and training on policies relating to potentially violent situations in the workplace and will appoint a *Threat Assessment Team* to supervise workplace violence cases.

The team may consist of directors or City representatives from human resources, risk management, safety, security, facilities, city attorney's office, behavioral or mental health, employee assistance program, or threat assessment consultants and has the following responsibilities:

- A. Implement an action plan specifying assessing and responding to a potential workplace violence case, including:
 - 1. personnel to contact in an emergency and their roles;
 - 2. a post situation response as follows:
 - i. informing employees through internal communications,
 - ii. updating the public information officer or designee the situation is under control, and
 - iii. providing counseling and/or critical incident stress debriefings for employees affected by the event.
- B. Investigate incident:
 - 1. Interview victims and witnesses immediately following incident to retrieve the most accurate information.

- i. Who committed the threat or act of violence?
- ii. What was said, heard, or done (be exact as possible)?
- iii. When did the incident occur?
- iv. Where did the incident take place?
- v. Why was the act committed, if known, e.g., employee recently evaluated by his supervisor.

- 1. Inspect the scene of the incident and protect any evidence as soon as possible.
- 2. Take photographs of any personal injury or property damage.

NOTE: City reserves the right at any time and at its discretion to search all City-owned or leased vehicles, including City property, for the purpose of determining whether any weapon is being, or has been, brought onto its property or premises in violation of the City's policy prohibiting workplace violence. Searches of employees' personal property shall only be conducted in conformance with any applicable laws and regulations. Employees who fail or refuse to promptly permit a search under the City's policy will be subject to discipline, up to and including termination.

- 3. Determine the direct or indirect causes of the incident. Include previous reports of inappropriate behavior by the perpetrator(s) and any corrective actions taken.
- 4. Record the results of the investigation and corrective actions taken.
- C. Documentation and report shall be maintained in a confidential file by human resources.
- D. Contact a workplace violence threat assessment specialist to evaluate the situation for additional corrective actions.
- E. Inspect the workplace and evaluate work tasks of employees to determine presence of hazards, conditions, operations, and situations which might place workers at risk of assault incidents.
- F. Coordinate Plan Implementation with other employers when the City employees perform work on a multi-employer worksite and when the City enters into a dual employer relationship with another employer. The City shall provide this Plan to any other employer in a shared workspace or in a join employer relationship with the City.

- G. Identify and institute control methods designed to eliminate or minimize the risks of assault incidents, including, but not limited to:
 - 1. General building, workstation and area design, security measures, employee identification badges, and access control improvements;
 - 2. Security equipment;
 - 3. Work practice controls and procedures.

IV. MANAGEMENT AND SUPERVISORY RESPONSIBILITIES

The human resources department responsible for administering this policy and delegating authority to department heads for implementation. Department heads are responsible for implementing the plan, conducting or arranging training, and ensuring each employee fully understands and complies with the behavioral and reporting requirements.

- A. Human resources is responsible for the following:
 - 1. Identifying a potentially violent or troubled person during the initial job interview and screening process;
 - a. Require a completed job application form that includes a waiver and release for the City to verify reported information. Ensure City compliance with applicable state and federal law when verifying applicant information. *[Note: Ensure that Human Resources does not initiate the background process until a conditional offer has been made, unless otherwise required by law, in compliance with the Fair Chance Act. Contact legal counsel if you have questions about implementation].*
 - b. Never accept a résumé in place of a fully completed application. Résumés do not contain an oath of truthfulness.
 - c. Review a job application carefully with particular attention to unusual or suspicious entries.
 - d. Investigate gaps in employment and education history. This may reveal undesirable events such as incarceration or involuntary termination. However, City evaluation of an applicant's background will be in compliance with the Fair Chance Act and any other applicable law.
 - e. Always check references.

2. Conducting periodic reviews of this policy with all City personnel;
3. Offering periodic workplace safety and security-related meetings for City personnel;
4. Posting and/or distributing information regarding workplace violence prevention on the internal or intranet website;
5. Reminding all employees through memos and training of the importance and urgency of reporting all threats or acts of workplace violence immediately after such an incident occurs, or when safe to do so, to a supervisor, human resources, department head, manager, or law enforcement. Reporting of a violent occurrence is mandatory and failure to do so could result in disciplinary action, up to and including termination;
6. Ensuring department personnel adhere to provisions of this policy;
7. Responding to and correcting workplace security issues.

B. Managers and supervisors must understand the following:

1. Terminating employment of a potentially unstable employee without using a plan based on empathy, support, and the ability to leave with their dignity intact, might cause that employee to harbor such resentment that he/she could return at some point seeking revenge. The City should remain vigilant after high stress events and seek evidence of threats, confrontations on-site, boundary probing, or other high risk post-termination activities;
2. An employee assistance program (EAP), if available, may assist employees facing personal and professional stressors at work. The program and its services should be publicized, and referral information should be readily accessible.

V. EMPLOYEE RESPONSIBILITIES

In general, behavior that violates the policy against workplace violence detracts from, and impedes the ability of others to work in a violence-free environment. Such behavior will be viewed as inappropriate and will be addressed in accordance with the City's disciplinary rules and regulations. Employees must report all acts of violence immediately after such an incident occurs, or when safe to do so, to a supervisor, human resources, department head, manager, or law enforcement.

1. Report potential acts or threats of violence by co-workers, outsiders, taxpayers, and visitors (e.g., noticeable changes in a co-worker's or customer's demeanor);
2. Remain aware of the potential for workplace violence, including domestic violence at work;
3. Attend all workplace safety and security-related meetings;
4. Know how to respond to a potentially violent situation, including use of the national Department of Homeland Security protocol for active shooters inside the facility (Run-Hide-Fight).

VI. TRAINING

All employees, including managers and supervisors, should receive training on general and job-specific workplace security practices. Training should be provided when the workplace violence prevention plan is initially established and periodically thereafter. Training should also be provided to new employees, employees for whom training has not previously been provided, and to employees given new job assignments for which specific workplace security training has not previously been provided. Additional training will be provided to all City personnel as deemed necessary. Training records shall be created and maintained for a minimum of one year.

Training should include the following topics:

1. Explanation of the workplace violence prevention plan. City will also provide employees with access to this Plan;
2. Recognition of security hazards, including risk factors associated with the four types of workplace violence, per National Institute for Occupational Safety and Health (NIOSH);
3. Violence prevention measures, such as reporting security hazards or threats to managers or supervisors and other City safety and security stakeholders;
4. Ways to defuse hostile or threatening situations involving current or former employees, taxpayers, vendors, or strangers;
5. How to summon others for assistance, including using 911 for emergency help;
6. Discussion of employee routes of escape, including evacuation or sheltering in place protocols;

7. Notification of law enforcement authorities when a criminal act may have or has occurred;
8. Post event critical incident stress management;
9. Employee participation in development and implementation of the Plan;
10. Review definitions and requirements of CalOSHA regulation section 3343 on workplace violence prevention plans;
11. Procedure to report workplace violence incidents or concerns without fear of retaliation;
12. Address workplace violence hazards that may be specific to the employees' jobs, the corrective measures employer has implemented, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm. City will also provide details regarding the violent incident log and ways to obtain the copies of records.

VII. VIOLATIONS

Reporting of a violent occurrence is mandatory and failure to do so could result in disciplinary actions, up to and including termination.

An employee found in violation will be provided all due process rights and is subject to discipline, up to and including termination. Principles of progressive discipline may be waived in instances of egregious or serious acts by employees.