



City of Riverside, California
Human Resources Policy and Procedure Manual

Approved:

Human Resources Director

City Manager

Number: III-4 Effective Date: -07/06

SUBJECT: VIOLENCE IN THE WORKPLACE/CRITICAL INCIDENT RESPONSE

PURPOSE:

~~The purpose of this policy is to clearly articulate the~~ The City of Riverside maintains City's zero tolerance for workplace violence and is committed to preventing and to deterring such ~~occurrences~~conduct. ~~The~~ This policy provides examples of workplace violence, prohibits all forms of workplace violence and provides that its occurrence will lead to discipline, up to and including termination, establishes guidelines to assist supervisors and employees in identifying and reporting potential or actual workplace violence, and establishes procedures for the investigation and handling of potential and actual workplace violence. This policy complies with the requirements found in California Labor Code (LC) section 6401.9 resulting from Senate Bill 553.

DEFINITION:

Workplace violence includes, but is not limited to, any acts or threat of violence against the physical, psychological, or economic interests of an individual. ~~It also~~ This includes ~~threats of such violence—implied or~~ direct or implied, verbal or non-verbal threats against individuals. Per California law, workplace violence is further classified into four types:

Type 1: Violence committed by a person who has no legitimate business at the worksite, including violent acts by anyone who enters the workplace with the intent to commit a crime.

Type 2: Violence directed at employees by customers, clients, patients, students, inmates, or visitors.

Type 3: Violence against an employee by a present or former employee, supervisor, or manager.

Type 4: Violence committed in the workplace by a person who does not work there, but has or is known to have had a personal relationship with an employee.

Examples of workplace violence include, but are not limited to, the following:

- Hitting, pushing, shoving, kicking, assaulting, or harming the physical body of an individual or threatening to engage in such behavior.
- Unlawfully touching an individual. Any intentional and unauthorized touching of another individual that is considered inappropriate, offensive, or harmful.
- Making menacing, threatening, or harassing gestures or statements toward an individual. Such This includes statements may include or inappropriate joking that could be perceived as threatening, intimidating, or demeaning. or ridiculing that nevertheless constitutes a threat.
- Making menacing, harassing, or threatening phone calls, messages, or other forms of communication to an individual.
- Stalking or conducting ~~an~~ unlawful or unauthorized surveillance of an individual.
- Attempting to intimidate an individual through ~~the use of~~ body language, threatening statements, innuendo, prolonged staring, or other direct or indirect ~~means-forms~~ of communication.
- Using firearms in an inappropriate, unsafe, or unauthorized manner.
- Using tools, equipment, or any other device against an individual in an inappropriate, unsafe, or unauthorized manner.
- Harming, attempting to harm, or threatening to harm ~~the property of~~ an individual's personal property.
- Harming, attempting to harm, or threatening to harm City ~~the property of the City~~. This includes, but is not limited to, arson, sabotage, and vandalism.

- ~~Behaving in a manner~~Engaging in conduct that poses a credible threat to the bodily safety, physical or psychological well-being, or economic interests of an individual.
- ~~Engaging in any of the prohibited behaviors Acting or behaving,~~ as described above toward an employee's, ~~against the~~ family or friends may constitute workplace violence of an employee.
- Making ~~a~~ statements to a third-party that evidences a credible or meaningful possibility that the maker of the statement will commit workplace violence, including making threats of workplace violence.

A threat of violence does not need ~~not to~~ be explicit or directly communicated to the intended target~~direct but may be implied.~~ A ~~T~~threats of violence may be in written, ~~or oral~~ verbal, or non-verbal forms. A ~~T~~threat of violence may also be ~~also be non-verbal~~ (communicated by body language, gestures, or other means).

Workplace violence may be evidenced ~~from~~by a pattern of conduct composed of a series of acts over a period of time, notwithstanding that some or all of the acts individually may not appear to constitute workplace violence.

Workplace violence ~~need~~does not need to be directed toward an identifiable individual. It may be directed toward an unidentified individual, a group of employees, or employees of a protected class, e.g., race, sex, religion, age, disability, or other legally protected status.

POLICY:

The City of Riverside is committed to maintaining a safe, secure, and respectful work environment for all employees. It is the policy of the City of Riverside to provide a safe workplace for its employees. All Workplace violence in any form is strictly prohibited. forms of workplace violence are prohibited.

This policy applies to all persons involved in the City's operation, including but not limited to, the following: City of Riverside employees; contractors; temporary workers; volunteers; visitors; anyone on City property; subcontractors; vendors; any individual acting as a representative of the City of Riverside while off City property; any individual off City property whose actions involve City's business or interests.

~~Places where W~~workplace violence can occur in a variety of settings and ~~occur~~ include, but are not limited to, the following:

4. On City property, regardless of the relationship between the City and the persons involved in the incident ~~of workplace violence~~.
- ~~2.1.~~
~~3.2.~~ Off City property, if the assailant is a City employee, worker, representative, agent, contractor, subcontractor, vendor, and the incident involves or is connected to any City business or interest.

Non-employees are strongly encouraged to report known incidents of workplace violence ~~or potential workplace violence~~, including any threats or concerns related to ~~or acts of workplace~~ violence.

City employees, workers, volunteers, visitors, representatives, agents, contractors, subcontractors, and vendors must report any known incidents of workplace violence ~~or potential workplace violence~~ pursuant to the procedures outlined in this policy, policy I-12 Workplace Violence Prevention Plan in the Safety and Health Policy and Procedure Manual set forth herein and any other applicable city policies ~~or procedures adopted by the City~~.

~~To comply with California law and In order to~~ promote a safe working environment, the City will compliance with this policy and adhere to this policy and take all reasonable steps to maintain a workplace maximize the City's efforts to provide a safe and secure workplace that is free from violence, ~~This includes implementing appropriate the City will establish~~ security measures and practices as well as providing relevant needed. It will also provide related training programs as appropriateneeded.

The City will ~~establish designate~~ a management team to review the implementation of this policy and ~~offer recommend corrective actions and preventative strategies advice to City supervisors~~ and managers on risk mitigation and response measures to offset and prevent incidents of workplace violence.

Compliance with the Violence In the Workplace Policy III-4 is a condition of employment and will be evaluated, together with other aspects of an employee's performance. Violations of this policy may result in corrective or disciplinary action, up to and including termination, and in accordance with Human Resources Policy and Procedures Manual, Discipline policy, III-1.

To reduce the risk of workplace violence ~~In order to avert future acts of workplace violence,~~ managers and supervisors are expected to implement the following practices:

Reference Checks: Prior to extending an offer of employment ~~the selection of a job applicant for a position,~~ a reference check should be completed. At a minimum, verification should include, Basic employment should be verified. This includes, but and is not limited to, prior positions held, job duties and responsibilities of the position, dates of employment and reason for leaving/separation. ~~The All~~ information received-obtained should-must be documented and factual with no subjective comments. The Human Resources Department is available to assist departments in conducting will-offer assistance in the completion of reference checks.

Employee Privacy: To protect employee privacy ~~S~~supervisors are encouraged to refer all requests for information concerning current employees to the Human Resources Department. Information concerning-regarding an employee's workplace location shall not be given to anyone who cannot demonstrate a legitimate business necessity and authorized to receive ~~for~~ this information.

Workplace Security: Managers and supervisors are encouraged to solicit assistance from the Police Department and/or Safety Officer/Manager for an inspection of the workplace facilities. This inspection would include recommendations to managers on securing the workplace against potential acts of workplace violence.

Observations: Supervisors and others-employees should rely on their own judgment, personal observations, and corroborating information when assessing the likelihood that an employee or other person will commit workplace violence. Behavior s of particular that may warrant attention ~~significance~~ includes antisocial behavior (e.g., recurring-persistent hostility or excessive aggression), erratic behavior, irrational behavior, behavior evidencing use of drugs or alcohol (e.g., incoherent or impaired speech, dilated pupils, lack of coordination when walking or other physical task, alcohol on the breath), and out of ordinary work mistakes or behavior. Acts that may individually appear harmless may, in conjunction with other behavior, indicate a possibility of (or potential for) workplace violence.

Supervisors and others-employees should consult with their supervisor, Human Resources, the Safety Officer/Manager, and other appropriate personnel regarding behavior that may not constitute workplace violence but that may nevertheless indicate a significant increase in the likelihood of workplace violence.

It is important to be-careful-exercise caution when drawing assumptions conclusions ~~conclusions~~ or relying on any of the above behaviors as indicators of potential violence. Many people-individuals experience stress, loss, or illness and the vast majority navigate these challenges without resorting to violent behavior at some point. ~~All but a very few people handle these disruptions and conditions without resorting to violence.~~

Intervention efforts should focus on supporting the employee through these disruptions difficult times. ~~and Managers~~ should be equipped with the training and resources necessary to recognize, respond to, and effectively support employees duringed to deal with these difficulties.

Whenever a situation ~~may arise~~arises that may present a risk of ~~in the~~ workplace violence, it is ~~important~~ critical that a timely assessment ~~occur~~ be conducted to determine the ~~degree~~ level and immediacy of risk the threat. All threats must be treated taken in a seriously and addressed promptly manner. Supervisors and employees should must immediately identify the potential perpetrator and report any incidents, threats, or concerns related to workplace of violence immediately. Employees and supervisors should not attempt to independently investigate or intervene in situations that may pose a safety risk. Instead, all concerns must be escalated promptly to appropriate personnel, including management, Human Resources, the Safety Manager, and/or law enforcement when warranted. ~~The~~

All situations ~~should~~ will be managed in a way manner that prioritizes the safety and protection of ~~protects all~~ all employees.

Critical Incident Response to Workplace Violence:

In the event of a workplace violence credible threat:

1. Recognize the situation and remain as calm as possible. Respond in a logical and deliberate manner.
2. Assess the situation, including the level of threat, potential for injury, and extent of damage.
3. Do not engage in counter threats or actions that may escalate or provoke the individual.
4. Move to a secure area, when safe to do so, and assist others in reaching safety if feasible.
5. Call 911 immediately if any of the following conditions exist:
 - The assailant is actively violent or continues to make threats;
 - The assailant has not been detained or is not in custody;
 - Any person is injured or requires medical attention.

When contacting emergency services, remain calm and provide clear, accurate information. Be prepared to answer dispatcher questions. For City facilities, provide the building location and floor, if known.

6. Warn others, when safe and feasible, of the potential danger.

7. Remain in a secure location until law enforcement, security, or medical personnel arrive and provide further direction.

Reporting Workplace Violence:

8. As soon as it is safe, immediately report any actual or potential workplace violence to your immediate supervisor, another manager, or the Department Head. Reporting must not be delayed due to the unavailability of a specific individual.

Supervisor/Manager Responsibilities:

9. The immediate supervisor, manager, or Department Head must immediately notify the Human Resources Director (or designee) and the Safety Manager upon receiving a report.

Human Resources/Department Head Responsibilities:

10. Human Resources or the Department Head shall ensure the situation is stabilized and controlled, including:

- Confirming the assailant is removed, detained, or no longer poses a threat;
- Ensuring employee and public safety;
- Issuing warnings or notifications to affected individuals, as appropriate; and
- Contacting any required federal, state, or local agencies in accordance with applicable laws and reporting obligations.

11. When employees or work groups are impacted, Human Resources shall coordinate access to Employee Assistance Program (EAP) services or other supportive resources.

Human Resources Additional Actions:

12. When appropriate and in compliance with applicable laws and policies, Human Resources may arrange for drug and/or alcohol testing.

13. Human Resources may also arrange safe transportation for an employee when necessary.

- If an employee appears impaired, they shall not be permitted to drive.
- Human Resources may contact a family member or arrange alternative transportation.

Human Resources Responsibilities:

• Any employee alleged to have committed an act or threat of workplace violence shall not return to the worksite

without authorization from the Department Head, in consultation with the Human Resources Director or designee.

- Human Resources shall conduct a prompt, thorough, and impartial investigation into all credible reports or allegations of workplace violence, consistent with applicable laws and City policies.
- All information related to the incident shall be kept confidential to the extent permitted by law, and shared only with those who have a legitimate business need to know.
- Employees found to have engaged in workplace violence or violations of this policy will be subject to disciplinary action, up to and including termination, in accordance with applicable laws, rules, and labor agreements.
- The City shall maintain a Violent Incident Log for every incident of workplace violence. Information in the log shall be based on information solicited from the employees who experienced the workplace violence. These records, along with investigation records, shall be maintained for a minimum of five (5) years.

PROCEDURE:

<u>Responsibility</u>	<u>Action</u>
<u>Responding to Workplace Violence</u>	
<u>Employee</u>	1. <u>Recognize what is occurring; remain calm and proceed in a logical manner.</u>
	2. <u>Assess the situation in terms of degree of threat, injury, or damage.</u>
	3. <u>Avoid making counter-threats or agitating the person committing the workplace violence.</u>
	4. <u>Take appropriate and reasonable steps to reach a secure area and assist others, if necessary and possible, to reach a secure area.</u>
	5. <u>Call 9-911 if:</u>
	a. <u>The assailant is still violent or threatening violence.</u>

~~b. The assailant has not been detained or is not in custody.~~

~~c. Someone is injured.~~

~~The 911 dispatcher's screen will display the billing address. For City Hall, it will identify the floor. Answer the dispatcher's questions in a calm and accurate manner.~~

~~6. Provide warning, if necessary and possible, to any employees or persons.~~

~~7. If in a secure area, wait for security and/or medical assistance.~~

Reporting Workplace Violence

Employee

~~8. When it is safe, immediately report the potential or actual workplace violence to the employee's immediate supervisor, other appropriate manager, or the Department Head. The reporting should not be delayed because of any unavailability of a supervisor, manager, or Department Head.~~

Immediate Supervisor

~~9. The immediate supervisor, other appropriate manager, or the Department Head must immediately report the potential or actual workplace violence to the Human Resources Director or designee and the Safety Officer.~~

Human Resources Department or Department Head

~~10. Human Resources or the Department Head should ensure that the situation is under control, including ensuring~~

~~that the assailant is in custody or removed from the work site, if necessary, that employees are safe, that any required warnings are given to other employees or persons, and that any appropriate federal, state, or local agencies are contacted about the incident as required by law.~~

~~Employee~~ 11. ~~If an employee or a work group has been affected by workplace violence, Human Resources should arrange for Employee Assistance Services.~~

~~Human Resources Department~~ 12. ~~If necessary, Human Resources or its designee should arrange for the drug and alcohol testing of the employee.~~

~~13. If necessary, Human Resources should arrange the transportation of the employee to his or her home. If it appears that the employee's judgment is impaired, the employee should be prohibited from driving him or herself home. In such an event, Human Resources should contact a family member or provide alternative arrangements.~~

~~**Investigation of Workplace Violence**~~

~~Human Resources Department~~ 14. ~~Return to the work site by an employee alleged to have perpetrated any act (or threat) of workplace violence shall only be authorized by the Department Head (in consultation with the Human Resources Director).~~

~~15. An investigation of the potential for actual workplace violence or of any credible allegations of potential or~~

~~actual workplace violence will be conducted.~~

~~16. During the investigation, subsequent proceedings, and thereafter, all information regarding the incident must be kept confidential to the extent required by law and as reasonably necessary.~~

~~17. Employees found to have committed workplace violence will be disciplined up to and including termination.~~