
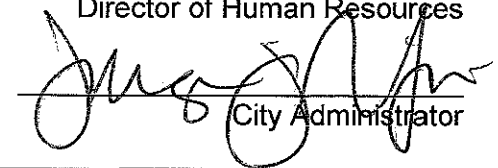


Approved:

**City of Commerce, California
Human Resources Policy and Procedure Manual**


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Director of Human Resources


City Administrator

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SUBJECT: VIOLENCE IN THE WORKPLACE

PURPOSE:

The purpose of this policy is to clearly articulate the City's zero tolerance for workplace violence and to deter such occurrences. The 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.

DEFINITION:

Workplace violence includes, but is not limited to, acts of violence against the physical, psychological, or economic interests of an individual. It also includes threats of such violence-implied or direct, verbal or non-verbal against individuals.

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

1. Hitting, pushing, shoving, kicking, assaulting, or harming the physical body of an individual or threatening such behavior.
2. Unlawfully touching an individual.
3. Making menacing, threatening, or harassing gestures or statements toward an individual. Such statements may include inappropriate joking or ridiculing that nevertheless constitutes a threat.
4. Making menacing, harassing, or threatening phone calls to an individual.

5. Stalking or conducting an unlawful or unauthorized surveillance of an individual.
6. Attempting to intimidate an individual through the use of body language, threatening statements, innuendo, staring, or other direct or indirect means of communication.
7. Using firearms in an inappropriate or unauthorized manner.
8. Using tools, equipment, or other device against an individual in an inappropriate or unauthorized manner.
9. Harming, attempting to harm, or threatening to harm the property of an individual.
10. Harming, attempting to harm, or threatening to harm the property of the City. This includes, but is not limited to, arson, sabotage, and vandalism.
11. Behaving in a manner that that poses a credible threat to the bodily safety, physical or psychological well-being, or economic interest of an individual.
12. Acting or behaving, as described above, against the family or friends of an employee.
13. Making a statement 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 need not be direct but may be implied. A threat of violence may be in written (including emails, text-messages, photos, videos or other forms of communication tools) or oral form. A threat of violence may also be non-verbal (communicated by body language, gestures, or other means).

Workplace violence may be evidenced from 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 not 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.

POLICY:

It is the policy of the City of Commerce to provide a safe workplace for its employees. All 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 Commerce employees; contractors; temporary workers; anyone on City property; subcontractors; vendors; any individual acting as a representative of the City of Commerce while off City property; any individual off City property whose actions involve City's business or interests.

Places where workplace violence can occur include, but are not limited to, the following:

1. On City property, regardless of the relationship between the City and the persons involved in the incident of workplace violence.
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 encouraged to report known incidents of workplace violence or potential workplace violence, including any threats or acts of violence.

City employees, workers, representatives, agents, contractors, subcontractors, and vendors must report any known incidents of workplace violence or potential workplace violence pursuant to the procedures set forth herein and any other policies or procedures adopted by the City.

In order to promote compliance with this policy and maximize the City's efforts to provide a safe and secure workplace that is free from violence, the City will establish security measures and practices as needed. It will also provide related training programs as appropriate.

The City management team will review the implementation of this policy and offer advice to City supervisors to offset and prevent incidents of workplace violence.

Compliance with the Violence In the Workplace Policy is a condition of employment and will be evaluated, together with other aspects of an employee's performance.

In order to avert future acts of workplace violence, managers are expected to implement the following practices:

Reference Checks: Prior to the selection of a job applicant for a position, a reference check should be completed. Basic employment should be verified. This includes, but is not limited to, prior position held, duties of the position, dates of employment and reason for leaving. The information received should be documented and factual with no

subjective comments. The Human Resources Department will offer assistance in the completion of reference checks.

Employee Privacy: Supervisors are encouraged to refer all requests for information concerning current employees to the Human Resources Department. Information concerning an employee's workplace location shall not be given to anyone who cannot demonstrate a business necessity for this information.

Workplace Security: Managers are encouraged to solicit assistance from the Sheriff's Office and/or Director of Human Resources 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 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 of particular significance includes antisocial behavior (e.g., recurring 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 should consult with their supervisor, Human Resources, the Department Head, 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 when drawing assumptions or relying on any of the above behaviors as indicators of violence. Many people experience stress, loss or illness at some point. All but a very few people handle these disruptions and conditions without resorting to violence. Intervention should focus on supporting the employee through these disruptions and managers should be trained to deal with these difficulties.

Whenever a situation may arise in the workplace, it is important that an assessment occur to determine the degree of risk. All threats must be treated in a serious manner. Supervisors and employees should identify the potential perpetrator and report incidents of violence immediately. The situation should be managed in a way that protects all employees.

PROCEDURE:

Responsibility
Responding to Workplace Violence
Employee

Action

1. Recognize what is occurring; remain calm and proceed in a logical manner.
2. Assess the situation in terms of degree of threat, injury, or damage.
3. Avoid making counter-threats or agitating the person committing the workplace violence.
4. Take appropriate and reasonable steps to reach a secure area and assist others, if necessary and possible, to reach a secure area.
5. Call 911 if:
 - a. The assailant is still violent or threatening violence.
 - b. The assailant has not been detained or is not in custody.
 - c. Someone is injured.

The 911 dispatcher's screen will display the City Hall address. You will need to identify your location. 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 City Administrator, Director of Human Resources or designee.

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 City Administrator and Director of Human Resources).
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.