Workplace Violence Prevention Policy

Adopted November 10, 2009
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PURPOSE / SCOPE
The County of Yuba is firmly committed to providing a workplace that is free from acts or threats of violence. In keeping with this commitment, the County hereby establishes a strict policy that provides “zero tolerance”, as such term is defined in Section III herein below, for actual or threatened violence against employees, visitors, or other persons who are either on County premises or have contact with employees in the course of their duties. Preventing violence in the workplace is every employee’s responsibility. It is therefore essential that every employee understand the importance of workplace safety and security. Finally, the County is committed to:

- Providing violence prevention training to its employees
- Providing threat assessment when a violent act is imminent, and
- Providing trauma response when a violent act occurs.

POLICY
The County of Yuba prohibits violent acts or threats of violence against employees or other persons. This includes threatening or committing acts of violence in the workplace, while on duty, while on County-related business, or while operating any vehicle or equipment owned or leased by the County. Prohibited conduct includes, but is not limited to, violence, direct or indirect threats of violence, intimidation, physical fighting or altercation or unauthorized use of weapons.

The County of Yuba Human Resources Department shall administer this policy as part of the Injury and Illness Prevention Plan (IIPP), and coordinate:

- Periodic assessment and evaluation of workplace risk factors which may contribute to the possibility of violence in the workplace, and
- Training of all employees that involves education of risk factors associated with the various types of workplace violence, crime awareness and emergency response plans, and
- Support to department management in identifying and addressing workplace risk factors specific to each department.

DEFINITIONS
Acts of violence include, but are not limited to:

1. **Violence**: Aggressive acts or initiation of physical force or intimidation exerted for the purpose of violating, injuring, damaging or abusing persons, or property.

2. **Threat**: An expression of a direct (intent to take action) or indirect (what could happen or that something could happen) intention to inflict pain, injury, damage or punishment upon another person or property.

3. **Intimidation**: Instilling fear in a person by a show of force or a threat of force.
4. **Physical Fighting**: The act of aggression or initial force in physically contending with another person with the intent to overpower and/or to cause harm.

5. **Weapons**: An instrument, article or substance, which in the possession of an employee or visitor or under the circumstances of which it is used or is threatened to be used, can cause physical injury or death.

**Risk Factors**
The behavioral warning signs (acts, behaviors, and situations) that may increase the probability of workplace violence. Examples of Risk Factors include: individuals exhibiting unusual fascination with the illegal use of firearms/weapons and/or incidents of workplace violence; individuals that exhibit changes in behavior suggestive of drug and/or alcohol addiction; severe depression; significant decrease in productivity; poor or strained relationships with co-workers; significant personality changes, etc.

**What Constitutes Violence or Threats of Violence:**
CAL/OSHA defines workplace violence in three main categories:

1. **Type I** - An incident where the assailant has no legitimate business relationship to the workplace and usually enters the workplace to commit a robbery or other criminal act.

2. **Type II** - An incident involving a violent act by a recipient of a service provided by the County, such as a client, patient, customer, passenger or a criminal suspect or prisoner.

3. **Type III** - An incident committed by someone seeking revenge for perceived unfair treatment. A type III event usually involves a threat of violence or a physical act of violence resulting in a fatal or non-fatal injury, by a current or former worker, supervisor or manager; a current or former spouse or lover; a relative or friend; or some other person who has a dispute with an employee of the affected workplace.

**Workplace:**
Any facility, building, lot, site, property or place that is owned, leased or operated by the County of Yuba as a place where employees work, use or conduct county business which includes but is not limited to any parking lot(s) which are in, adjacent to and/or a part of a county workplace, which is used as and/or for the benefit of persons working, visiting or using any facility, building, lot, site, property or place that is owned, leased or operated by the County of Yuba.

**Zero Tolerance:**
There is no grace or warning period, pre-counseling for violation of this policy. Therefore appropriate discipline or punitive action shall be taken for any violation of this policy.

**EXEMPTIONS / EXCLUSIONS**
This policy applies to all employees and volunteers of the County of Yuba, including contract employees, supervisory employees, department heads, managers, elected officials, all non-supervisory staff and all persons who come onto or are at the County of Yuba’s workplaces.
which includes but is not limited to any work site which is owned, leased or under the supervision and/or control of the County of Yuba as a workplace. All Yuba County Employees shall receive a copy of this Workplace Violence Prevention Policy and shall sign a written acknowledgment that they have received and read a copy of the policy. A copy of this acknowledgment shall be placed in the employee’s official personnel file. A copy of this policy shall be posted on the County of Yuba’s web page under Board of Supervisors and shall be available in the Office of the Board of Supervisors, the Chief Administrative Office and the Human Resources Department.

Primary Department:
Human Resources Department

GUIDELINES/RULES
It is the responsibility of every employee in the workplace to assist in the prevention of violence. Every verbal or physical threat of violence, including bomb threats or suspicious packages, must be treated seriously and reported immediately to a supervisor and/or department head. In cases of emergency, employees must contact local law enforcement immediately. Threats of violence must also be reported to Human Resources as soon as possible. Early reporting of dangerous and potentially dangerous incidents will facilitate an effective investigation and response by the County in a timely manner. Towards this end, every employee must report incidents of workplace violence in the following manner.

Employees
1. Acts and Threats of Violence
   Employees must report all threats or acts of violence which occur on County work sites to their supervisor, manager and/or department head. These reportable threats or acts of violence may be actually experienced or witnessed, or they may be acts that the employee becomes aware of otherwise. In cases of emergency, employees must contact local law enforcement immediately (i.e. 911 from local or from County phones 9-911). Threats or acts of violence must also be reported to the Human Resources Department as soon as possible.

   Employees must also report all threats or acts of violence which they experience while acting in the scope of their employment off County premises, or which relate to the legitimate business interests of the County. Employees must also report any threats or acts of violence occurring off County premises of which they are a target, if there is a reasonable basis to believe that the violence will follow them to the workplace.

   In most situations, the employee should report all threats or acts of violence to their immediate supervisor. However, in situations where the employee’s immediate supervisor is unavailable, or is the individual making the threat or performing the violent act, the employee must report the conduct to a department supervisor and/or department head. When the employee is uncomfortable reporting a situation within the department the employee must make the report to the Human Resources Department. In cases of emergency, employees must contact local law enforcement
immediately. Threats or acts of violence must also be reported to the Human Resources Department as soon as possible.

In situations where an employee becomes aware of an imminent act of violence, emergency assistance must be sought immediately. In such situations, the employee should immediately contact law enforcement (i.e., dialing 911 or 9-911 from a county phone). Immediately after contacting the law enforcement authorities for emergency assistance, the employee must report the incident to his or her supervisor and/or Department Head. Employees will be advised, in writing, regarding the outcome of the complaint and/or investigation.

Employees must make these reports regardless of any relationship which may exist between the individual who initiated the threat or engaged in the violent act and the individual who was the victim of the conduct.

No employee will be disciplined, retaliated against or discharged for reporting any legitimate threats or acts of violence. Intentionally false and/or misleading reports are unacceptable. Employees found to have made such intentionally false or misleading reports may be subject to disciplinary action up to and including termination.

2. **Warning Signs of Workplace Violence**

   Incidents of workplace violence have increased in recent years and are frequently caused by anger and/or frustrations, obsessive love affairs and domestic disputes that spillover into the workplace.

   A threat is the clearest indicator of potential violence. (Threats include direct threats, veiled threats and threats conditioned upon other actions.) Employees should understand that certain risk factors and behavior patterns may offer early warning signs of violent behavior.

3. **Restraining Orders**

   Employees who obtain a restraining order listing their workplace, person, or County property as a protected area must provide a copy of the temporary restraining order or the permanent restraining order to their supervisor and/or Department Head. The County has an obligation to provide a safe workplace and can only meet this obligation if it receives information concerning individuals who have been ordered to maintain a distance from its facilities and/or employees. Restraining orders must also be reported to the Human Resources Department as soon as possible.

**Supervisors/Managers/Department Head**

1. **Acts and Threats of Violence**

   Supervisors, managers and Department Heads must report all acts or threats of violence that occur on County Work sites, that they experience, witness or of which they become aware. Supervisors, managers and Department Heads must report all threats or acts of violence that they experience while acting within the scope of their employment or when the supervisor or Department Head forms a reasonable belief that off-site occurrences relate to the legitimate business interests of Yuba County.
Supervisors and Department Heads must report any acts or threats of violence occurring off County premises of which they are a target, if there is a reasonable basis to believe that the violence will follow them to the workplace. Reports of threats or acts of violence must be made to department management and the Department Head.

b. In cases of emergency, employees must contact local law enforcement immediately (i.e., 911 from local or from County phones 9-911). Threats or acts of violence must also be reported to the Human Resources Department as soon as possible.

2. **Other Conduct**
Supervisors and Department Heads must become familiar with the early warning signals of violence. Supervisors and Department Heads are required to consult with Human Resources when any employee displays one or more of those risk factors.

The County requires departments to request assistance from the Human Resources Department regarding threat assessment (if a violent act is imminent) and trauma response (when a violent act occurs).

3. **Reporting Procedure**
Supervisors must prepare an incident report based on information from the reporting employee and/or personal observation and submit the report to the Department Head with copies forwarded to Human Resources. The supervisor or manager must immediately interview a reporting employee to obtain specific information concerning the conduct at issue, such as:

- The date, time and place where the conduct occurred
- Who engaged in the incident
- Who initiated the incident, if known,
- Names of witnesses to the conduct at issue
- What conduct is at issue
- Against whom was the conduct directed
- What specifically was said or done
- Whether the party at issue engaged in any physical conduct that would indicate he/she plans to follow through on a threat
- Whether there is any previous history of violent or threatening conduct
- The relationship of the person to whom the conduct was directed and the person undertaking the conduct
- Any other information which will aid in the investigation

Supervisors should also ask the reporting employee whether he/she has any suggestions for minimizing the risk of violence based on the information known to them and what the employee’s desired outcome is regarding the incident. Supervisors and Department Heads should carefully document objective facts and relevant personal feelings so that trained professionals will have access to the information necessary to reach fair and
accurate conclusions. Subjective statements shall be recorded only if they relate to recording employee’s or supervisor’s personal feelings of fear or intimidation.

**Peace Officers**

Peace officer employees shall follow their agency’s established protocols for reporting threats and acts of violence perpetrated against them by members of the public when the peace officer is acting within the course and scope of his or her job duties as a peace officer. It will not be necessary to contact nor file a separate report with Human Resources Department in regard to these matters unless assistance is going to be requested from these two departments or the conduct involves a risk of harm to other County employees.

**Firearm Prohibition**

1. The County of Yuba 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 paragraphs below, no person shall have in his/her possession, while on any property owned and/or leased by the County, County worksite (including outdoor worksites), or in County vehicles, any firearm or other dangerous weapon, or any explosive or destructive device. This includes individuals who have permits to carry a concealed weapon.

   a. Firearms and other dangerous weapons (as defined in Section 12001, 12020, 12276, of the California Penal Code), includes, but is not limited to, pistols, handguns, rifles, shotguns, knives, swords, or martial arts weapons (such as nun chakus and tonfas).

   b. Explosive or destructive devices (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.

2. This provision does not include peace officers (as defined by Section 830-832.16 of the California Penal Code) authorized by law and their appointing authority to carry weapons, or to other employees who have a valid concealed weapons permit and have been authorized by their appointing authority to carry a firearm for a justifiable work related purpose, or to 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.

3. The appointing authority, with the concurrence of the County Administrative Officer and the Human Resources may, in writing, revoke the exclusion expressed in section III B for any employee for good cause.

4. Specific situations arising with regard to the firearms policy stated above may be reviewed on a case by case basis taking into consideration the following:

   a. It is the intent of this policy to ensure that all employees and the public conducting business with the County of Yuba 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. Implementation of this policy shall not impede the regular and necessary conduct of County business; and

c. Interpretation of this policy shall not impede individual rights so long as the primary intent described above in 4(a) is followed.

**Compliance is Essential**

Compliance with this Workplace Violence Prevention Policy is required. This policy is a zero tolerance policy. Due to the importance of this policy, anyone who violates any of its terms, who engages in or contributes to violent behavior, who does not report all acts or threats of violence, or who threatens others with violence may be subject to disciplinary action, up to and including termination and/or punitive action. The County may also take legal action where appropriate.

**FORMS USED**

None

**REFERENCES**

California Occupational Safety & Health Act, Labor Code § 6400 et al. seq.

**EMERGENCY RESOURCES**

County Administrator’s Office (530) 749 -7575

Human Resources Department (530) 749 -7860

Emergency Police/Fire (County Phone) 9-911

Emergency Police/Fire (Local Phone) 911

Marysville Police Department (530) 749 -3900

Yuba County Sheriff (530) 749 -7777

**COUNSELING:**

Yuba County Employee Assistance Program 1-800-342-8111

**REVISION RECORD**

Established: November 9, 2009