

Workplace Violence Policy

1.3.1

PURPOSE

The Workplace Violence Policy is intended to: (1) establish administrative policy and procedures for assessing threats and the potential for violence in the workplace, and (2) minimize and help prevent the possibility that a threatening situation will escalate into violence or a crisis.

POLICY

1. Background

The safety and security of City employees is of vital importance, and it is the City of San Jose's administrative policy to promote a safe environment for its employees, customers and visitors. Acts or threats of physical violence, including intimidation, harassment or coercion, which occur on City property or involve City employees will not be tolerated, and a zero-tolerance policy shall be in effect. Discipline, up to and including termination, will occur for employees who violate this policy, including those who use workplace phones, faxes or e-mail to make threats of violence.

2. Scope

All employees are covered under this policy. Each City employee is responsible for notifying his or her immediate supervisor or manager or the Office of Employee Relations, if that employee believes that he/she or someone else may be a potential victim of Workplace Violence. City management will be responsible for prompt action in responding to incidents of Workplace Violence.

Examples of conduct which may be considered threats or acts of violence include, but are not limited to:

- Threat or actual physical or aggressive contact
- Threat or actual destruction of City or individual's property, including acts of sabotage
- Harassing or threatening telephone calls, e-mails or faxes (harassment of a nature other than that related to threats or acts of physical violence, such as sexual harassment, are covered by other City policies)
- Possession, use, threat of use, or brandishing of a gun, knife or other weapon of any kind
- Stalking
- Veiled threats of physical harm or similar intimidation

The causes of Workplace Violence are varied. Some of the more common sources include abusive domestic relationships, dissatisfied customers, mental illness, and disgruntled current/former employees.

3. Domestic Violence

Domestic Violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers. For the purposes of this policy, "domestic violence" is defined as abuse committed against an adult or fully emancipated minor.

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“Abuse” is the intentional or reckless cause or attempt to cause bodily injury, sexual assault, threatening behavior, harassment, stalking, or making annoying phone calls to a person who is in any of the following relationships:

- Spouse or former spouse;
- Domestic partner or former domestic partner;
- Cohabitant or former cohabitant;
- A person with whom the victim is having, or has had, a dating or engagement relationship;
- A person with whom the victim has a child

Employees are encouraged to seek help if they feel they are, or could be, a victim of workplace or domestic violence. When any supervisor is made aware of a potential domestic violence issue, the impacted employee(s) may be provided with referrals to appropriate service providers such as the City's Employee Assistance Program, the Santa Clara County District Attorney's Office, the City of San Jose Family Violence Center, or other local Law Enforcement Agencies.

4. Education and Training

The City recognizes the need for pro-active education and training for employees to help prevent incidents of workplace violence. Toward that end, the City is committed to providing access to resource information and will incorporate violence prevention training as part of its on-going training program. Specialized training on how to intervene and resolve domestic violence issues will also be incorporated.

5. General Responsibilities and Investigation Oversight

The Office of Employee Relations, in consultation with the Department Director or designee shall be responsible for providing direction to, and maintaining oversight for, the investigation process for incidents of Workplace Violence when they occur.

Management may consider utilizing alternate work arrangements and other approaches where flexibility is appropriate in responding to workplace or domestic violence.

EMERGENCY PROCEDURES

Emergencies are considered those situations where actual violence has occurred or the threat of violence, including the threat of bodily harm or destruction of property, is immediate and requires a police response.

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| Employee(s) | <ol style="list-style-type: none"> 1. Ensure personal safety, do not take unnecessary risks in aiding others or confronting violence prone individual(s). 2. Call the Police immediately at *111 from a City phone (outside of City Hall) or 911 from a non - City phone. |
| Department Director | <ol style="list-style-type: none"> 1. Immediately contact the Office of Employee Relations to coordinate actions and resources in response to incidents of Workplace Violence. |

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2. Direct staff to take basic precautionary measures such as: securing/locking entrances, re-routing office/worksite traffic and other steps which appear appropriate for the circumstances.
3. When appropriate, the Office of Employee Relations will coordinate with Police and other emergency response personnel to address immediate security and medical needs.
4. Coordinate with the Office of Employee Relations to determine the appropriate leave policies or procedures to be followed in executing a plan of action involving impacted employee(s).
5. When appropriate, exercise authority to grant immediate and temporary leave if the Director of Employee Relations or designee is not immediately available (follow procedures outlined in Administrative Leave Policy) Follow investigation and procedures as outlined under "Non Emergencies."
6. Maintain lines of communication on a need-to-know basis among staff to minimize misinformation, panic, and confusion.

NON-EMERGENCY PROCEDURES

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| Employee | <ol style="list-style-type: none"> 1. Inform immediate supervisor, Department Director or the Office of Employee Relations, with details of incident(s) along with all information that can be used to address issue immediately. Keep record of incident(s) and make available to supervisor or Office of Employee Relations. If the complaint is made directly to the Office of Employee Relations, all non-emergency procedures will be coordinated with the applicable department. |
| Department Supervisor | <ol style="list-style-type: none"> 1. Immediately contact Department Director with details of incident. 2. Document all pertinent information, i.e. time, date, who, when, what transpired, etc. Submit written report to Department Director within 24 hours of reported incident with a file copy to the Office of Employee Relations. All information is considered confidential personnel information. |
| Department Director | <ol style="list-style-type: none"> 1. Receive and review complaint/incident of Workplace Violence. Contact the Office of Employee Relations to determine if incident/complaint can be resolved at the departmental level, and for advice and assistance in the coordination of resource support. 2. Prepare final report for submittal to the Office of Employee Relations with specific recommendations on resolution of |

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incident(s) and/or special arrangements made to monitor and report on the situation as circumstances require.

Office of Employee Relations

1. Advise and consult with Department Director on recommended actions relating to investigation, administrative leave, disciplinary processes, and post-incident counseling.
2. When appropriate, consult with the Police Department and City Attorney's Office and others in seeking resolution of the matter.
3. Confer with all parties in developing a course of action to resolve or monitor the incident(s) if appropriate.

City Attorney's Office Advise and consult with the Office of Employee Relations on recommended actions having to do with Restraining Orders or other legal remedies in working toward resolution or monitoring of incident(s).

Police Department

Provide immediate direction, action, and necessary support in ensuring safety of employee(s) in department. Advise management of methods, techniques or procedures to increase safety.

Approved:

/s/ Alex Gurza
Director of Employee Relations

7/14/2004
Date