

COUNTY OF MADERA WORKPLACE VIOLENCE POLICY

SECTION I: PURPOSE

The County of Madera (“County”) is firmly committed to ensuring a workplace that is free from violence or threats of violence, as defined herein. In keeping with this commitment, the County hereby establishes this “Workplace Violence Policy” (“Policy”) to prevent violence or threats of violence in the workplace, and to provide a process of intervention to protect against violence or threats of violence in the workplace.

SECTION II: POLICY STATEMENT

It is the policy of the County to work to provide a safe and secure working environment, which is free from fear of violence or threats of violence, aggression, intimidation, harassment, or retaliation for all employees, those doing business with the County, and the public. Violence or threats of violence against employees, members of their families, their property, or County property, in the workplace or in connection with employees’ conduct of County business, will not be tolerated. Violence or threats of violence by County employees constitutes immediate grounds for disciplinary action, up to and including termination from County employment, and may result in criminal prosecution and/or civil liability.

A threat of violence will, in and of itself, constitute grounds for discipline, regardless of whether or not the perpetrator intended to carry out the violence. Additionally, employees are prohibited from encouraging or promoting violence or threats of violence. The County is not obligated to provide any “grace” or “warning period,” and there is no requirement that progressive discipline be administered for violations of this Policy. The County may take all appropriate disciplinary action for violations of this Policy, including but not limited to termination from County employment.

Unless otherwise specified, this Policy applies to all employees as defined in Section III of this Policy, including extra-help employees, contract employees, department heads, elected officials, and all persons who come onto or are in County workplaces, County buildings, or County property.

SECTION III: DEFINITIONS

For purposes of this Policy and unless expressly specified, the following definitions shall apply:

1. “County buildings” are defined as and include any local public building owned or leased by the County for the conduct of County business, or any building used for the conduct of meetings of County boards, committees, commissions, or other

bodies, which are required to be open to the public pursuant to applicable law, during the time of such use.

2. “County property” is defined as and includes real property, including any buildings thereon, owned or leased by the County, and in the County’s possession, or in the possession of a private entity under contract with the County to perform a public purpose, including but not limited to real property owned or leased by the County in the unincorporated and incorporated portions of the County.

3. “Employee” is defined as and includes all Department Heads, County officials, employees (whether permanent, probationary or extra help), and approved volunteers, consultants, service providers, and contractors performing business on behalf of the County unless otherwise specified.

4. For purposes of this Policy, “violence and/or threat of violence” includes:
- a. The initiation of physical force or intimidation used for the purposes of violating, injuring, damaging, and/or abusing any person and/or County property or the personal property of an employee;
 - b. A threat and/or other expression, in whatever form, of a direct or indirect intent to take action in order to inflict pain, injury, damage, or abuse against any person and/or County property or the personal property of an employee;
 - c. An attempt to instill or the instilling of fear or intimidation in a person by a show or threat of force or aggression;
 - d. Any act of aggression or force against another person with the intent to overpower and/or cause harm; and
 - e. The possession of firearms or weapons on County workplaces, County buildings, and/or on County property, which is not authorized by this Policy, as further discussed in Section X of this Policy.

Violence or threats of violence may occur in various forms, including in verbal, physical, and/or written forms. Examples of threats of violence that may occur in verbal form include, but are not limited to, abuse, intimidation, and/or coercion through the spoken word. Examples of physical acts of violence or threats of violence include, but are not limited to, unwelcome physical contact, assault, battery, or intentional damage to County property or the personal property of an employee. Examples of threatening communications that may occur in the written form include, but are not limited to, threats, abuse, harassment, intimidation or coercion through the use of written language or symbols, and may occur through e-mail, letters, notes, drawings, cartoons, social media posts, tweets, text messages, or any other means by which written language or illustrations are used.

This Policy will also address the four (4) major types of workplace violence that are presently recognized by Cal/OSHA.

Type I - an incident involving a violent act by an assailant, with no legitimate relationship to the workplace, who enters the workplace to commit a robbery and/or other criminal act.

Type II – an incident involving an act of violence by a recipient of service(s) provided by the County, such as a client, patient, customer, probationer, inmate, or juvenile ward, for example.

Type III – an incident involving an act of violence by a current or former employee, supervisor, or any other person who has some employment-related involvement with the County.

Type IV – an incident involving an act of violence by a person who is not a current or former employee, supervisor, and who does not have not some employment-related involvement with the County, but who has or is known to have had a personal relationship with the intended victim, such as victims of domestic violence who are subject to violence and/or threats of violence while in the workplace.

To the extent that there are any later amendments or additional types of workplace violence recognized by Cal/OSHA or under law, they shall be deemed to have been incorporated by reference into this Policy. All other provisions of this Policy shall apply and remain in effect.

SECTION IV: RESPONSIBILITY

It is the responsibility of every County employee to read and understand this Policy; to timely seek clarification regarding questions about this Policy; to comply with this Policy; and to report suspected violations of this Policy as soon as possible. A County employee's failure to report suspected violations of this Policy may result in disciplinary action, up to and including termination.

Upon hire, all new employees will be provided with a copy of this Policy. New employees are responsible for signing and submitting a form to the Human Resources Department acknowledging review and receipt of the Policy upon receipt of training.

Employees hired before the Effective Date of this Policy shall also be provided with a copy of the Policy as soon as reasonably practicable, and are responsible for signing and submitting a form to the Human Resources Department acknowledging review and receipt of the Policy upon receipt of training.

Department Heads are responsible for assisting in the implementation of this Policy and shall ensure that a copy of this Policy is available in every workplace location. Additionally, Department Heads shall ensure that any information and/or posters

required to be posted by Cal/OSHA related to workplace violence are posted at conspicuous locations in every workplace location.

Department Heads shall also ensure that employees receive training at least once every two years after initial hire. Such training shall address specific aspects of workplace safety, including, but not limited to, identifying what constitutes violence; various risk factors which potentially increase the likelihood of violence occurring in the workplace; what steps should be taken in response to suspected violence; and conflict resolution skills. Department Heads are responsible for timely apprising the Sheriff's Department of any workplace safety or security aspects that may be unique to that Department's working environment, and the training shall address these topics.

In the event that a Department Head is made aware of new or previously unrecognized security hazards that were not addressed at the most recent training, the Department Head should apprise the Sheriff's Department. If warranted, additional training shall be provided to address the new or previously unrecognized security hazards.

Employees shall sign a form documenting their attendance at each training and their receipt of a copy of this Policy, which shall be distributed at each training. Copies of these forms shall be provided to Human Resources.

The policy shall be reviewed periodically with County Counsel.

SECTION V: PROCEDURES FOR REPORTING SUSPECTED WORKPLACE VIOLENCE

The County is committed to ensuring that procedures are in place to ensure the safety and security of all County workplaces, County property, and County buildings. The County is further committed to ensuring that these procedures are communicated, understood by, and observed by all County employees. The County recognizes that to maintain a safe and secure workplace, there must be open communication between and among County employees, including Department Heads and County Administration, pertaining to workplace safety and security. Thus, the County maintains a system of reporting suspected workplace violence and/or threats of violence which is designed to encourage a continuous flow of information related to safety and security and reduce incidents of workplace violence and/or threats of violence.

The following procedures shall apply to all County employees as defined in Section II of this Policy:

1. Any employee who witnesses or otherwise learns of any incident or suspected incident of violence or threat of violence:
 - a. That occurs on County workplaces, County property, or in any County building or

- b. That occurs while the employee is acting in the course of County business, even if the incident does not occur on County workplaces, County property, or in any County building or
- c. That relates to the County's legitimate business interests, regardless of where it occurs or
- d. That occurs outside the course of County business, provided there is a reasonable basis to believe that violence may follow the employee onto County workplaces, at County property, or in County buildings shall report the incident or suspected incident to his or her supervisor. This includes potential domestic violence situations.
- e. When in doubt about whether or not to report, the employee should report.

2. In case of an emergency and/or if there is an imminent act of physical violence, the employee should call 911 immediately and before contacting their supervisor. As soon as possible after calling 911, the employee shall contact their supervisor and report the incident and any actions taken. If the supervisor is not available, the employee shall contact the Department Head, and if the Department Head is not available, the employee shall contact Human Resources and report the incident and any actions taken.

3. Upon learning of the incident, the supervisor shall immediately contact the Department Head and apprise the Department Head of the incident and any actions taken. In case of an emergency and/or if there is an imminent act of physical violence and 911 has not been called, the supervisor should call 911 immediately and before contacting the Department Head. As soon as possible after calling 911, the supervisor shall contact the Department Head and report the incident and any actions taken. If the Department Head is not available, the supervisor shall contact Human Resources and report the incident and any actions taken.

4. Upon learning of the incident, the Department Head shall immediately contact Human Resources and apprise them of the incident and any actions taken. In cases of an emergency and/or if there is an imminent act of physical violence and 911 has not been called, the Department Head should call 911 immediately and before contacting Human Resources. If the Human Resources Director is unavailable, the Department Head should contact Risk Management and/or the County Administrative Officer. The Department Head may initiate an immediate investigation into a report of an incident, if in the Department Head's best judgment, the circumstances warrant.

5. All reports of workplace violence or threats of violence will be reviewed and/or investigated as detailed in Section VIII of this Policy. Information about a report of workplace violence will remain confidential, if appropriate, and will be disclosed only

to those who have a need to know for investigation purposes or if otherwise required by law.

6. Retaliation or reprisal against any County employee who reports suspected violence or threats of violence will not be tolerated, and may result in disciplinary action, up to and including termination from County employment.

Employees should not intervene, and/or otherwise place themselves in danger if confronted with an immediate and/or physical act of violence. Employees should use their best judgment when confronted with a risk of harm to safety or security and immediately call 911.

SECTION VI: THREAT ASSESSMENT AND MANAGEMENT TEAM

A “Threat Assessment and Management Team” (“TAM Team”) has been established to address reports of incidents of violence or threats of violence. Upon learning of an incident of violence or threat of violence, the Human Resources Director and/or the Deputy County Administrative Officer of Legal/Risk Management may convene the TAM Team if deemed appropriate based on the reported nature and severity of the violence or threat of violence.

The TAM Team may include any individual deemed to have expertise and/or information that may be helpful in addressing the report of violence or threat of violence. The TAM Team may include, but is not required to include, the following individuals:

1. Law Enforcement: Sheriff or designee
2. Legal: County Counsel or designee
3. Risk Management: Deputy County Administrative Officer of Legal/Risk Management or designee
4. Human Resources: Director of Human Resources or designee
5. Psychological: Director of Behavioral Health Services or designee
6. Department(s) directly affected by reported violence or threat of violence: Director(s) or designee(s)

The TAM Team shall review the information available concerning the reported incident of violence or threat of violence, and may provide options for consideration or recommend that the Department(s) directly affected by the reported incident of violence or threat of violence gather additional information.

After consideration of the information available, the TAM Team may consider and recommend measures to be taken to eliminate or mitigate incidents of violence or threats of violence in the workplace.

The TAM Team may also review and consider a variety of issues related to the incidence of violence and/or threats of violence in the workplace, including but not limited to:

1. Recommending what measures to take to protect employees from incidents of violence or threats of violence.
2. Recommending what actions to take against employees that commit acts of violence and/or pose threats of violence.
3. Responding to concerns about safety and/or security in the workplace.

SECTION VII: HAZARD ASSESSMENTS/INSPECTIONS

In furtherance of the County's commitment to providing a safe and secure working environment, each Department Head shall designate at least one person at each County work site who will be responsible for performing periodic hazard assessments/inspections, and for providing the Department Head with a report of all hazard assessments/inspections performed. Hazard assessments/inspections shall consist, at a minimum, of the following:

1. The identification and evaluation of possible workplace security hazards according to each type of workplace violence presently outlined by Cal/OSHA, as set forth in Section II of this Policy.

For example, inspections for Type I workplace security hazards may include, but are not limited to, assessing the workplace for its attractiveness to criminal offenders and/or the need for security surveillance. Inspections for Type II workplace security hazards may include, but are not limited to, assessing employees' skills in safely handling threatening or hostile service recipients and the availability of escape routes in the workplace. Inspections for Type III workplace security hazards may include, but are not limited to, assessing employees' knowledge of the warning signs of potential workplace violence. Inspections for Type IV workplace security hazards may include, but are not limited to, assessing threats of violence from the spouses and/or significant others of employees.

2. The identification of any changes in employees' work assignments and any resulting change in the presence of safety hazards.

3. A review of the history of any incidents of violence that occurred within the department, and suggestions for minimizing the risk of violence based on the information known.

While hazard assessments/inspections should be performed periodically, they should also be performed in the following circumstances:

- a. When this Policy is initially established.
- b. When new or previously unidentified workplace violence hazards are recognized.
- c. When occupational injuries occur that are the result of an act of violence in the workplace.
- d. When potential workplace conditions warrant a hazard assessment/inspection.

Hazard assessments/inspections shall be carefully documented. Records of hazard assessments/inspections, including the names of the person conducting the hazard assessment/inspections, shall be maintained by the Department in compliance with the Madera County Code and applicable law.

SECTION VIII: INVESTIGATIONS OF SUSPECTED WORKPLACE VIOLENCE

All investigations of suspected workplace violence or threats of violence shall be carefully documented. If circumstances permit and at the discretion of the investigator, investigations should address the following:

1. The date, time, and place where the alleged incident occurred.
2. The identities, including the names, addresses, phone numbers, and places of employment of the persons who initiated and/or were engaged in the alleged incident, if such information can be obtained.
3. The identities of all witnesses to the alleged incident, including the names, addresses, phone numbers, and places of employment, if such information can be obtained.
4. The identities of the persons against whom the conduct was directed, including the names, addresses, phone numbers, and places of employment, if such information can be obtained.
5. Interviews of the persons who initiated and/or who participated in the alleged incident.
6. Interviews of all witnesses to the alleged incidents.
7. Interviews of the persons against whom the alleged conduct was directed.

8. A review of any previous incidents involving any of the present participants in the alleged incident, including a review of any previous history of violence between the participants.

9. A detailed description of the alleged incident, including specific details related to what conduct is at issue (e.g., the nature of the incident alleged and an investigation into what specifically was done and or said and by whom, when, and where etc.).

10. A description of the scene where the alleged incident occurred, and if warranted, a visit to the scene of the alleged incident.

Additionally, and if warranted by the circumstances, the investigator may consider any preventative, corrective, and/or security enhancements, including but not limited to an assessment of security risk factors, whether the circumstances warrant alerting law enforcement authorities; and/or the initiation of an action for a temporary restraining order. The Director of Human Resources, in collaboration with County Counsel and the Sheriff's Department, may initiate an application for a restraining order, and/or other relief, if necessary to protect employees and/or their families.

SECTION IX: MONITORING IMPLEMENTATION

The Director of Human Resources in collaboration with the Sherriff's Department and the Deputy County Administrative Officer of Legal/Risk Management, shall periodically evaluate and/or monitor the effectiveness of the County's workplace violence prevention practices and this Policy, along with the resolution and implementation of any corrective and/or preventive action, if such action is necessary. Changes to the County's workplace violence prevention practices and this Policy may be made, as necessary, to correct, enhance, or streamline responses to alleged incidents of workplace violence or threats of violence.

The Director of Human Resources, in collaboration with the Sherriff's Department and the Deputy County Administrative Officer of Legal/Risk Management, may recommend and/or implement additional training, surveys, or other quality control procedures to evaluate the effectiveness of the County's workplace violence prevention practices and/or this Policy.

SECTION X: FIREARMS AND WEAPONS

The County is committed to taking all necessary steps to ensure a safe and secure working environment. To that end, it is policy of the County that unless specified herein, no person shall have in his or her possession, while in any County workplace, County property, or County building, any firearm or dangerous weapon (as defined by applicable law, including sections 12001, 16590, and 30510 of the California Penal Code, as may be amended from time to time), or any destructive or explosive devices, as defined by applicable law, including section 12000 of the California Health and

Safety Code, as may be amended from time to time. Such devices include, but are not limited to bombs, incendiary devices, and ammunition). This section does not apply to peace officers who are authorized by law to carry firearms

Specific exceptions related to this section may be reviewed on a case by case basis subject to the approval of the Department Head in collaboration with the Sheriff's Department taking into account whether the individual in question possesses a valid concealed weapons permit, the nature and level of any additional firearms/weapons training received, and/or whether there is a justifiable reason(s) for an exception. Review of any possible exceptions to this Section of the Policy shall take into account that the fundamental purpose of this Policy is to ensure a safe and secure working environment free from violence.

SECTION XI: EFFECTIVE DATE

This Policy shall become effective immediately upon adoption by the Board of Supervisors.