



**Title:** *Workplace Violence Policy*

## **I. Introduction**

The purpose of this policy is to create and maintain a safe workplace free from violence by establishing guidelines which prohibit violent behavior and provide support and protection for victims. In compliance with the Federal Occupational Safety and Health Act (OSHA) of 1970 which obligates employers to maintain a workplace free of recognized hazards, the City recognizes that a secure environment that is free from physical as well as emotional threats is healthier and more productive.

## **II. General Policy**

The City of Hendersonville has a “zero tolerance” for violence. It is the intent of this policy to ensure that everyone associated with City, including employees and customers, never feel threatened by any employee’s actions or conduct. This policy will work in conjunction with City’s Personnel Policy and will offer procedural guidance in addressing these situations in the workplace. The objectives of this policy are to:

- 1) Reduce the potential for violence in and around the workplace.
- 2) Encourage and foster a work environment that is characterized by respect and healthy conflict resolution.
- 3) Mitigate the negative consequences for employees who experience violence in their work lives.

## **III. Workplace Violence Defined**

“Workplace Violence” shall mean an act or behavior that:

- Consists of a physical assault;
- Is an attempt at a physical assault;
- Is perceived by reasonable person as obsessively directed, e.g. intensely focused on a grudge, grievance or romantic interest in another person and likely to result in harm or threats of harm to people or property;
- Consists of a communicated or perceived threat to harm another individual or in any way endanger the safety of an individual;
- Would be interpreted as carrying potential for physical harm to the individual;
- Is perceived by reasonable person as menacing;
- Involves carrying or displaying personal weapons, destroying property, or throwing objects in a manner perceived to be threatening; or

- Consists of a communicated or perceived threat to destroy property.

The City of Hendersonville will not tolerate or condone any type of workplace violence behavior. We are committed to identifying and holding our employees accountable who perpetrate acts of violence or threaten violence. Response to reports and specific actions will be determined on a case-by-case basis and will be solely at the discretion of management.

All acts of workplace violence will be dealt with promptly and appropriately utilizing administrative, managerial, legal, and disciplinary measures to minimize risk to our employees, customers, and property. This policy is to be used as a guide in any situation where violence is caused by employees or by members of the general public.

#### **IV. Scope**

This policy shall apply to all City employees and contracted workers. This policy applies to the conduct of an employee while functioning in the course and scope of employment as well as off-duty violent conduct that has a potential adverse impact on City employee's ability to perform the assigned duties and responsibilities.

#### **V. Policy Violations**

A violation of this policy shall be considered Detrimental Personal Conduct as provided in the City of Hendersonville's Personnel Policy. Acts of workplace violence, as defined herein, may be grounds for disciplinary action, up to and including termination.

Off-duty violent conduct may also be grounds for disciplinary action, up to and including termination. In these situations, the City must demonstrate that the disciplinary action, suspension or termination is supported by the existence of a rational correlation between the type of violent conduct committed and the potential adverse impact on an employee(s) ability to perform their assigned duties and responsibilities.

#### **VI. Education and Prevention Strategies**

The City of Hendersonville will strive to provide education on workplace violence to all employees. This policy will be made available to all employees and be included in all new employee orientation. Training will be made available to supervisors on how they can identify potential signs of violent behavior and their subsequent responsibilities.

In order to promote a peaceful working environment, we encourage our supervisors and employees to enroll in courses to learn more about working with each other. Courses covering communication, problem solving, building effective working relationships, stress management, and related or similar course topics are supported by the City and by the tuition assistance program.

Each department should periodically assess its current security measures or processes and conduct a worksite analysis to determine what security is needed to help prevent workplace violence. In addition, the City will provide managerial training in violence prevention techniques.

### **VII. Possession and Use of Dangerous Weapons by Employees**

In the interest of maintaining a workplace that is safe and free of violence, possession or use of a dangerous weapon is prohibited on City property, in City vehicles or in any personal vehicle which is used for City business. The only exemption is employees engaged in law enforcement activities.

A dangerous weapon is any instrument capable of producing bodily harm at a time and place that manifests intent to harm or intimidate another person or that warrants alarm for the safety of another person.

### **VIII. Misuse of City Equipment**

Employees found to have committed acts of workplace violence using City equipment will be subject to disciplinary action up to and including termination. This includes, but is not limited to, computers, communication devices, equipment or vehicles. We reserve the right to enter or inspect work areas or vehicles with or without notice.

### **IX. Employee Responsibilities**

All employees are responsible:

- for refraining from acts of violence and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace.
- for reporting to managers and supervisors any dangerous or threatening situations that occur in the workplace.
- to report to their managers / supervisors situations that occur outside the workplace which may affect workplace safety, i.e. instances where protection orders have been issued.

### **X. Managerial Responsibilities**

Managers and supervisors should support the City principle of and rationale for encouraging work environments that are safe from workplace violence. They should inform all employees that workplace violence in any form will not be tolerated and reinforce the importance of employee participation in the prevention of workplace violence.

Managers and supervisors are responsible for assessing situations and reporting these situations to the City Manager or the City Manager's designee for investigation.

As is reasonably possible, the City Manager or designee is responsible for developing procedures that are designed to reasonably achieve the following:

- prompt and appropriate response to any act of violence;
- accountability among employees for acts of violence committed in the workplace;
- establishment of a crisis management team to provide immediate response to serious incidents;
- establishment of avenues of support for employees who experience violence; and
- communication of this policy.

#### **XI. Procedures for Dealing with Acts of Workplace Violence**

- 1) If an act or altercation constitutes an emergency, CALL 911. After 911 has contacted, immediately contact a manager or supervisor.
- 2) In situations that are not emergencies, contact your immediate manager or supervisor. If possible, separate the parties involved in the violent altercation. If parties cannot be separated or if it would be dangerous to any employee to separate the parties, CALL 911.
- 3) Contact the appropriate Department Director. The Department Director will contact Human Resources, who will take responsibility for coordinating a response to the incident.
- 4) In instances that involve emergencies or criminal activities, Human Resources will contact the City Manager and the Police Department for assessment and, if necessary, investigation.
- 6) In instances when it is not appropriate to refer an incident to the Police Department, Human Resources will evaluate the situation and make a recommendation regarding the need for an investigation. If an internal investigation is recommended, Human Resources will coordinate the investigation process.

Employees / Supervisors should make as many observations as they can on the actions and appearance of all involved parties, and note any indication they may be under the influence of alcohol or drugs. Write down observations and document actions when safely possible and the date of the notes. If other parties are present, have them make notes of their observations as well. Give all information to the Police and Human Resources. These notes may provide valuable information, and will be useful with taking corrective or disciplinary measures.

Local law enforcement will remove the person from the area and collect all evidence. The person's ID badge and keys must be collected to ensure that the person cannot reenter the building without permission. If this cannot be done, the Information Technology Department will be notified to disable the employees' ID card and computer access.

*In all conformations of this magnitude, personnel are asked not to talk to the media or anyone else about the situation. Refer all questions to the City Manager or the appropriate Department Head.*

## **XII. Procedures for Dealing with Threatening, Intimidating, or Harassing Remarks**

It is important for all employees and particularly front-line supervisors not to ignore the signals of potentially violence-like threats. Management has to balance workplace safety with the rights of individuals to be treated fairly. Deciding if a particular statement of action constitutes a "threat" or creates a hostile environment can be difficult.

### *A) Direct or Veiled Threatening Statements*

Statements may be direct threats like "I am going to kill you..." or veiled threats like "Something bad will happen to somebody," "I'm afraid I may hurt someone," or "I think about killing myself." Some of the ways people receive threatening remarks include:

1. Remarks made directly to the target of the threat orally, either in person or by telephone calls;
2. Remarks to one person about another; or
3. Remarks made in letters, notes, or electronic messages.

### *B) Intimidating or Harassing Remarks*

Intimidating or harassing remarks may not actually contain a threat. However, if any employee feels intimidated or frightened by remarks made at work or off-duty, they need to be reported to their supervisor.

### *C) Intimidating or Harassing Behavior*

Intimidating, harassing, or confrontational behavior can include things as crowding, stalking, or directing menacing looks or gestures to create fear in other persons. Such actions are inappropriate to the workplace and will not be tolerated.

When these types of incidents or behaviors are observed or reported, document the incident and notify Human Resources. Response to such behavior depends on a variety of factors, such as 1) the effect on employees' performance of their jobs; 2) the effect

on other employees or clients, 3) violation of workplace rules and acceptable standards of conduct, or 4) management's determination as to whether these actions indicate a potential for future violence.

### **XII. Investigation Process**

Depending on the seriousness and if the continued presence of the employee is not appropriate given the particular circumstance, an employee may be suspended and ordered not to return to the work site until the investigation is complete. This action will follow the City's Personnel Policy, Article XI Section 7 titled Non-Disciplinary Suspension. The employee will be notified in writing of the non-disciplinary suspension within two days. During the investigation process management shall review the facts of the situation and determine if disciplinary action should be taken resulting in the suspension or termination of the employee.

### **XIII. Anti-Retaliation and Confidentiality Clause**

This policy prohibits retaliation against any employee who reports a workplace violence concern in good faith. Employees will not be discriminated against solely on the basis of status as a victim of violence. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns. Investigations and subsequent involvement of other parties will be made if their participation is required for the safety and well being of the City and its workers. Management shall be sensitive and responsive to the reporting employee's fear of reprisal.

### **XIV. Support and Protections**

The City has a responsibility to maintain a productive and professional work environment conducive to the operations of City business. To this end, employees are expected to keep workplace disruptions to a minimum.

However in some circumstances, that may not be possible especially when an employee has been assaulted, threatened, or a victim of domestic violence. The employee is responsible for notifying their department head of these circumstances such as restraining orders.

Victims may need special accommodations or adjustments in their work schedule, location, or conditions in order to enhance their safety. The City shall work closely with the victims to ensure that both the needs of the victims and the City are addressed.

Anyone exposed to violent events, at work or away from work, needs the support from family, co-workers, and management. When they receive this support, they may feel less isolated, distrustful, and withdrawn. Active support tends to increase commitment, productivity, and recovery.

Management is expected to offer support to victims, this support should include encouragement of the victim to use the Employee Assistance Network and management shall use their discretion to grant a victim leave for medical, court, or counseling appointments related to trauma and / or victimization.

The following options should be considered:

- Flex Scheduling
- Vacation Leave
- Sick Leave
- Leave without Pay

#### **XV. Employee Assistance Program**

The City provides an employee assistance program (EAP) for all full-time and part-time employees. This EAP program offers services to employees and their dependents. While the City receives periodic reports on the number and types of visits or calls made to EAP, we do not receive information about the specific contacts with EAP.

Employees are encouraged to use EAP whenever they feel the need for guidance in coping with life's difficulties. The EAP is a confidential service.

#### **XVI. Coping with Threats & Violence**

For an angry or hostile encounter:

- Stay calm. Listen attentively;
- Maintain eye contact;
- Be courteous. Be patient;
- Keep the situation under your control.

For a person shouting, swearing, and threatening:

- Signal a coworker or supervisor that you need help;
- Call 911 or contact Hendersonville Police Department for assistance.

For someone with a weapon:

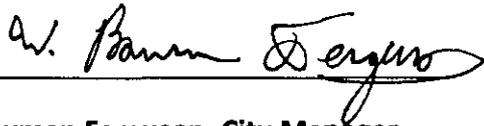
- Stay calm and maintain eye contact;
- Stall for time;
- Keep talking... but follow the directions from the person(s) with the weapon;
- Don't risk harm to yourself or others;
- Don't be a hero;

- Never try to grab the weapon;
- Watch for a safe chance to escape.

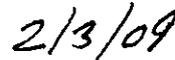
#### Telephoned Bomb Threats

- Stay calm and keep talking;
- Do not hang up;
- Signal a coworker to call the Police and Fire Department;
- Ask the caller to repeat the message. Write it down;
- Repeat the questions or information, if necessary;
- Ask where the bomb is and when it will go off;
- Listen for background noises. Write down what you heard;
- Write down whether it is a man or woman; pitch of the voice or accent; any you notice;
- Try to get the person's name, location, and phone number.

This policy is being instituted by City Management in accordance with Article I Section 8. Departmental Rules and Regulations is a supplement to the Personnel Policy of the City of Hendersonville.



**W. Bowman Ferguson, City Manager**



**Date**