COUNTY OF MONTEREY
County Administrative Office
Human Resources and Employment Services Division
Office of Risk Management and Benefits

Workplace Violence Policy
Full Revision 02/05/2010
IIPP – 32.0
## County of Monterey Workplace Violence Policy

**Title:** County of Monterey Workplace Violence Policy pursuant to the OSHA Act of 1970 “General Duty Clause” 29 U.S.C Section 654, 5 (a) 1 of the Federal Occupational Safety and Health Act states that “employers provide a workplace that is free from recognized hazards that are causing or likely to cause death or serious physical harm to its employees.”

**Effective Date:** March 16, 1999

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I. Purpose

To establish a program to manage the prevention of workplace violence and a process of intervention to protect employees from threats of violence in the workplace.

II. Policy Statement

It is the policy of County of Monterey to provide a safe and secure working environment reasonably free from fear of violence, aggression, intimidation, harassment or retaliation for all employees. Acts or threats of violence against the life, health or wellbeing of employees or members of their family or their property either in the workplace or in connection with that employee’s conduct of County business will not be tolerated. Any such acts by County employees towards others constitute grounds for disciplinary action up to and including termination from County employment and may result in criminal prosecution. A threat may, in and of itself, constitute grounds for discipline regardless of whether or not the perpetrator intended to carry out the threat.

This policy will address the hazards known to be associated with the three major types of workplace violence as outlined by Cal OSHA.

- Type I involves a violent act or threat of violence by an assailant with no legitimate relationship to the workplace that enters the workplace to commit a criminal act.

- Type II involves a violent act or threat of violence by a recipient of service provided by our County such as a client, patient, customer, probationer, inmate or juvenile ward.

- Type III involves a violent act or threat of violence by a current or former employee, supervisor or manager or any other person who has some employment-related involvement with the County, such as an employee’s spouse or significant other, an employee’s relative or friend, or another person, other than a recipient of service, who has a dispute with a County employee.

III. Definitions

- Crisis Incident Response Team (CIRT): The CIRT are employees who are delegated the responsibility to evaluate and recommend courses of action with
regard to anyone who has demonstrated acts or conduct which constitute a threat or threats of violence in the work place. The following employees and their designees are designated as members of the CIRT:

**County Administrative Officer**  
**County Counsel**  
**Human Resources Director**  
**Sheriff Department**

In addition, appropriate Department Head and/or Division Manager or designee may be involved.

- **Physical violence**: Unwelcome physical contact between two parties. Physical violence includes assaults, sexual assaults or property damage deliberately caused.

- **Verbal violence**: Threats, verbal abuse, or harassment involving language designed to threaten, intimidate or do harm.

- **Violent Acts**:
  a. Striking, punching, slapping, spitting or otherwise assaulting another person.
  b. Fighting or challenging another person to fight.
  c. Grabbing, pinching or touching another person in an unwanted way whether sexual or otherwise.
  d. Engaging in dangerous, threatening or unwanted horseplay.
  e. Possession of firearm, replica firearm, explosive devise, or incendiary device on County property, in County vehicles, in other County equipment or while engaged in activities for the County in other locations, unless such possession or use is a requirement of the job or otherwise legally permitted or authorized.
  f. Use or threat of use, of any object intended as a weapon of aggression (i.e. as opposed to justifiable self-defense), while engaged in County business at any location, or on County property, including parking lots, other exterior premises, or while in or using county vehicles.

- **Weapons**: Are defined as firearms, chemical sprays, clubs or batons, and knives, and includes any device, tool, chemical agent, or other implement capable of bodily harm if it is used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.

- **Workplace**: any location where County business is conducted by County employees including vehicles and parking lots.

- **Written violence**: Written threats including letters, notes, texting, e-mail, blogging, plans or drawings describing, detailing, warning or delivering threats.
IV. Prohibited Acts and Behavior

Employees of the County of Monterey shall not engage in, encourage or promote acts of harassment, intimidation, violence, threats, coercion, and abusive and/or assaulative behavior toward an employee, a member of an employee’s family, or other person, if in connection with that employee’s County employment; or intentionally damaging property owned, operated or leased by the County.

Department management is prohibited from authorizing employees to carry weapons while engaged in County business unless carrying a weapon is required by the job classification of the employee and there are specific policies and procedures which govern the use and/or display of the weapon.

Employees engaged in County business shall not carry self defense weapons in violation of any law or this policy. Employees who carry a legal self defense weapon shall notify the department head in writing of what type of weapon is being carried. Employees who carry legal weapons for self-defense may be in violation of this policy and may be subject to personal civil liability and legal prosecution in the event of: accidental discharge or loss of the weapon; use, threat of use, or display of the weapon while engaged in County business, or violation of any law related to carrying a legal self defense weapon while engaged in County business. Examples include but are not limited to: concealed weapon (handgun permit); mace, pepper spray or other chemical agents; stun guns.

V. Responsibilities

CIRT Members

To facilitate the appropriate actions related to any work place threat of violence and to mobilize and direct the necessary resources to ensure the safety of County employees, vendors, visitors and other member of the public and property. Recommend to Department Heads alternative actions relative to the incident.

Department Heads,

- Report threats or acts of work place violence immediately to any member or designee of the CIRT.
- Provide assistance possible to allow the CIRT to proceed in the assessment and evaluation of the threat of violence incident.
- Document pertinent information relative to the incident.
- Take the online Work Place Violence training.
- Ensure that the appropriate staff members receive the necessary training to identify probable threats of work place violence.
- Ensure that appropriate action is taken relative to the incident. Examples are disciplinary action, counseling, trauma intervention, medical referral, EAP referral, etc.
• Ensure that all members of the department are aware of this process and understand the importance of timely reporting.

Managers and Supervisors

Managers and Supervisors share the responsibility for implementing and enforcing the provisions of this program for County of Monterey. The employer shall:

• Conduct new employee orientation on the County Workplace Violence Policies, procedures and work practices.

• Conduct annual review of the County Illness and Injury Prevention Program (IIPP) for Workplace Violence Policy with all employees.

• Take the online TargetSafety Work Place Violence training.

• Present training programs designed to address specific aspects of workplace violence prevention unique to each Department’s working environment.

• Post or distribute Workplace Violence Policy to inform employees and management at all levels of this policy.

• Implement and communicate a procedure that encourages employees to inform management about workplace violence hazards or threats of violence.

• Report Threats or acts of violence immediately to any member or designee of the CIRT, and to their Department Head.

• Assure that incident documentation is accurately provided and reported in a timely manner.

• Document and maintain incident records and follow-up actions.

Employees

• Report threats of violence immediately to any member or designee of the CIRT, and to a supervisor.

• Review the policy, sign the Employee Workplace Violence Policy Acknowledgment form and fully comply.

• Request information from those who should be familiar with this policy (the Trainer, Supervisor, Manager or Department Head) to clarify any points of misunderstanding.
• Ensure compliance of this policy by refraining from behaviors that are in violation with this policy prohibiting threats or acts of violence in the workplace.

• Provide all assistance possible to allow the CIRT to proceed in the assessment and evaluation of the threat of workplace violence.

VI. Worksite Security Rules

• Suspicious Persons: All employees should be alert to persons whose actions or presence appears to be of suspicious nature not typically expected of an ordinary employee, customer, or visitor. If employees have doubts concerning the intentions of any such person, they should avoid the individual if possible, quickly but quietly notify a supervisor, and/or follow other applicable security procedures.

• Access to Premises: Employees should be on the premises only during normal business hours or authorized hours of work.

• Visitors: Individuals not employed or contracted by the County should be accompanied by a County employee when they are afforded access to areas normally restricted to employees only. Employees bringing visitors shall request authorization from a supervisor prior to affording access to areas normally restricted to employees only.

VII. Hazard Assessment

Each department will perform workplace violence hazard assessments for security in the form of periodic inspections. The County Safety Officer or other designated representative may provide assistance with the inspections. A hazard assessment shall be conducted according to the following:

• When the IIPP for Workplace Violence is initially established.

• When new or previously unidentified workplace violence hazards are recognized.

• When potential workplace violence conditions warrant an inspection.

VIII. Incident Reporting Requirements

Episodes of workplace violence can only be reduced if employees are willing to report threats of violent behavior.

Any employee who believes he or she has been a subject of workplace violence or is a witness of such act shall report immediately the alleged incident of workplace
violence or threat of violence to a Supervisor, Manager, Department Head or Manager in the Human Resources Department. An employee may also report the incident to the appropriate law enforcement agency.

Information about a workplace violence incident will remain confidential and will be disclosed only to those who have a need to know. No one who initiates a good faith complaint or reports an incident under this policy may be subject to adverse personnel action.

Supervisors and Managers who have received reports of or have knowledge of workplace violence situations shall complete “Appendix B of the County of Monterey Workplace Violence Policy Incident Report Form” and inform a Department Head and Human Resources as soon as possible.

The appropriate law enforcement agency shall be notified of the incident, at the discretion of the Department Head.

Incidents involving workplace violence shall be resolved by management, employing disciplinary measures for employees, and either appropriate steps taken to deal with the public or referred to local law enforcement.

Failure to report an incident shall subject employees to appropriate disciplinary action.

IX. Response to Immediate Threat or Danger

This policy does not require or encourage employees to intervene in a violent situation or to place themselves in danger.

- In the event of an immediate threat or violent act contact law enforcement by dialing 9-9-1-1.
- All people, whether employed by the County or not, should be evacuated from the area, if it is warranted and can be done safely. The evacuation shall follow the procedures contained in the Evacuation and Emergency Action Plan section of the Injury and Illness Prevention Plan (IIPP).

X. Investigations

Workplace violence incidents involving County employees must be investigated to determine if steps can be implemented to prevent like incidents from recurring and/or to gather information for possible criminal/civil action.

The CIRT shall conduct, or authorize, an investigation into the incident within 48 hours of having received the report. Upon completion of the investigation an appropriate response shall be prepared.
If there is employee misconduct, then disciplinary action will be taken against the employee(s) involved.

If the risk or threat came from a member of the public, the Agency will evaluate security measures and/or institute new procedures for dealing with the specific public person and incident reported to appropriate law enforcement authorities.

XI. Monitoring

Departments shall monitor the effectiveness of the Workplace Violence controls in place at their facilities to ensure compliance with the County’s Workplace Violence Policy’s prevention practices. The County Safety Officer shall monitor the Workplace Violence Policy for its effectiveness.

XII. Annual Inspections

Inspections for workplace violence hazards will be conducted annually in the context of the annual Injury and Illness Prevention Program audit. This inspection will consist of identification and evaluation of the potential hazards of any changes in workplace function. Records of workplace violence inspections, including the name of the person conducting the inspection, are to be recorded and retained for five years.

XIII. Employees Participation

All employees are encouraged to take an active role in creating a safe work environment. Any questions or comments regarding this policy shall be directed to the Human Resources Department.

XIV. Disciplinary Procedures

Employees found to be in violation of this policy will be subject to disciplinary action, up to and including termination of employment. An employee convicted of a violent crime, or engaging in off-duty behavior which violates this policy, may be subject to disciplinary action, if, during the crime or behavior, the employee represented him/herself as a County employee.

Appropriate actions may include;
- Immediately placing an employee on Administrative Leave, and having the employee leave the premises, pending investigation; and/or,
- Asking any threatening or potentially violent person to leave the site; and/or,
- Immediately contacting an appropriate law enforcement agency, if necessary, to assure safety is maintained and removal of the offender from the work site, and to determine if a violation of the law has occurred.

County of Monterey Workplace Violence Policy
XV. Policy Support Elements

Critical Incident Policy: This policy has been established by the County Administrative Office to provide supervisory referrals to the Employee Assistance Program (EAP). The referral assists employees who have experienced a traumatic incident while performing their duties.

County Personnel Policies and Practices Resolution: The County Counsel’s Office assists departments in responding to employee discipline issues. The Human Resources Division, County Administrative Office assists departments in complying with personnel regulations.

County Ordinance 3537: The Monterey County Code establishes policies and procedures for the investigation and resolution of discrimination complaints. These complaints may be related to harassment, threats, acts of violence, and other human rights violations. The Equal Opportunity Office provides assistance in resolution of these complaints.

County Safety Program: Section 32.0 of the County safety manual, Injury and Illness Prevention Program, provides guidelines on workplace security. The County Safety Officer, Human Resources Division, County Administrative Office assists departments in compliance with safety regulations.

Temporary Restraining Order: The County Counsel’s Office will assist department management in obtaining an employer’s workplace Temporary Restraining Order (TRO) when circumstances warrant.

Policy Compliance: The Human Resources Division, County Administrative Office is authorized by this policy to audit departments to assure compliance with this policy. The Human Resources Division may also recommend and implement training, surveys, or other quality control procedures to evaluate the effectiveness of this policy.
Appendix A

County of Monterey
County Administrative Office
Human Resources Division
Employee Workplace Violence
Policy Acknowledgement Form

The County of Monterey is committed to providing and maintaining a safe work environment free from the threat of violence, aggression, intimidation, harassment or retaliation for all employees and the public. It is the policy of the County of Monterey that threats of violence or violent behavior, direct or implied, will not be tolerated in the workplace. Acts or threats of violence against the life, health, and well being of employees or members of their family or their property either in the workplace or in connection with that employee’s conduct of County business will not be tolerated.

This policy covers acts or threats of violence, whether made directly or indirectly, including but not limited to: words, gestures, correspondence, phone calls or other electronic communication, symbols or physical acts which threaten the safety or security of County employees or which may inhibit County employees from conducting business or providing services in an environment of safety and security. This also includes, but is not limited to, threats on County premises, at County functions or any other location where violence or threats of violence may have an adverse impact on the County’s ability to do business or provide services.

Employees of the County of Monterey shall not engage in, encourage or promote acts of harassment, intimidation, violence, threats, coercion, and abusive and/or assaultive behavior toward any person while in the course and scope of employment. Department management is prohibited from authorizing employees to carry weapons while engaged in County business unless carrying a weapon is required by the job classification of the employee and there are specific policies and procedures which govern the use and/or display of the weapon. “Weapons” are defined as firearms, chemical sprays, clubs or batons, knives, and includes any device, tools chemical agent, or other implement capable of bodily harm if it is used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.

Threatening Statements or actions, or violent behavior at any County Workplace where County work is conducted shall be reported immediately to department supervision. Supervisors shall assure the incident is reported directly to the Department Head Immediately.

Employees are encouraged to contact the appropriate law enforcement agency in cases where there is an imminent potential for violence.

Employees found to be in violation of this policy will be subject to disciplinary action, up to and including termination of employment.

I acknowledge that I have received, read, understand and have been trained on the County of Monterey Workplace Violence Policy.

___________________________  _______________ _______________
Employee Name (please print clearly)   Department

________________________________   ___________________________
Employee Signature      Date
Appendix B

County of Monterey Workplace Violence Policy

Incident Report Form

Instructions:
This form shall be used by Managers/Supervisors to document incidents of workplace violence or violations of the County of Monterey Workplace Violence Policy. Narratives and other documentation may be attached.

Reporting Department: _______________________ Division: ________________________

Address/Location of Incident: _________________________________________________

Date of Incident: __________ Time of Incident: __________

Description of Incident: (Sequence of events and circumstances. Use extra paper if needed)

Description of Fatalities, Injuries, Property Damage:

Names of employees involved (Attach employee’s statements):

Name or description of others involved (Attach statements):

Name or description of witness(s) (Attach statements):

List responding public safety agencies:

Any attachments? Yes No If yes, describe:

A copy of this report will be sent to and verbal notification was made to:

County Counsel Date/Time: __________ Name of contact: ____________________________

CAO/ HR/Risk Date/Time: __________ Name of contact: ____________________________

Department Head Date/Time: __________ Name of contact: ____________________________

Report by (Manager/Supervisor print name) ____________________________

Signature (Manager/Supervisor) ____________________________

Title: ____________________________ Phone __________________ Date _____________

Describe actions taken to maintain safety and security of work site (Use Incident Investigation Follow up Report):

County of Monterey Workplace Violence Policy
Incident Investigation Follow up Report

Incident Type:
Injured Employee:
Incident Date:
Incident Investigation Closed Date:__________

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<th>By when</th>
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County of Monterey Workplace Violence Policy
## Appendix C

### Policy Revision History

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<td>3/16/1999</td>
<td>Gary L. Metzler</td>
<td>Effective Date</td>
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<tr>
<td>7/9/2009</td>
<td>Maria C. Sandoval</td>
<td>• Added Cover Sheet&lt;br&gt;• Added Table of Contents&lt;br&gt;• Included Appendix A – Policy Acknowledgement Form&lt;br&gt;• Included Appendix B – Incident Report Form with minor updates&lt;br&gt;• Added Appendix C - Policy Revision History&lt;br&gt;• Changed the bullet format from numerical to Roman numerals&lt;br&gt;• Added “Acts” to Prohibited Behavior&lt;br&gt;• Minor Responsibilities&lt;br&gt;• Added Employee Responsibilities&lt;br&gt;• Added Worksite Security Rules&lt;br&gt;• Added Hazard Assessment&lt;br&gt;• Minor modifications to Incident Reporting Requirements&lt;br&gt;• Added Investigations&lt;br&gt;• Added Monitoring&lt;br&gt;• Added Annual Inspections&lt;br&gt;• Added Employee Participation</td>
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<td>10/29/09</td>
<td>Maria C. Sandoval</td>
<td>• Added Approval section</td>
</tr>
<tr>
<td>2/5/2010</td>
<td>Maria C. Sandoval</td>
<td>• Added the CIRT (Crisis Incident Response Team)&lt;br&gt;• Separated the responsibilities by CIRT, Department Head, Managers and Supervisors and by employees.</td>
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