

Violence in the Workplace

Policy

It is the policy of the DGS to provide a safe and secure work environment that has no tolerance for harassment, intimidation, threats or acts of violence in the workplace. Any behavior that raises concerns for the safety of another person's life, health, wellbeing, family or property, whether direct or indirect, constitutes unacceptable conduct.

It is the policy of the DGS to take appropriate actions to enhance the safety, as fully as possible, of state employees and members of the public from harassment, intimidation, threats and acts of violence, which may occur at state workplaces, and during the performance of state duties.

No tolerance means that every act of violence in the workplace, regardless of nature, must be reported to your manager or supervisor **and** to the **Workplace Violence Referral Line at (916) 376-5344**. Every report will be taken seriously.

All employees are required to attend Workplace Violence Prevention training. Managers and Supervisors shall complete the training within the term of the probationary period or within 12 months of appointment to a managerial or supervisory class and no longer than every two years thereafter. Rank and file employees shall complete the training within the term of their initial probationary period and no longer than every two years thereafter.

Definitions

Act of Violence – The attempt (coupled with the ability), or actual use of force or violence with the intent to threaten, harass, intimidate, intentionally commit an injury to self or others, or damage or destroy property.

Harassment - The creation of a hostile work environment through unwelcome words, actions, or physical contact not resulting in physical harm. Verbal harassment may include disparaging or derogatory comments or slurs, unreasonable or excessive criticism, or name calling.

Intimidate - To make afraid; to frighten, alarm, or scare. To force a person into, or deter them from, some action by inducing concerns for their safety by means of any physical action and/or verbal comment.

Continued on next page

Violence in the Workplace, Continued

Definitions (continued)

Stalking - Any person willfully, maliciously and repeatedly harassing another by any means, direct or indirect, that causes a reasonable person fear for his/her safety or the safety of his/her immediate family.

Threat - An action (verbal, written or physical) which is intended to intimidate by expressing the intent to harass, hurt, take the life of another person, or damage or destroy property. This includes threats made in jest but which others could perceive as serious.

Workplace - Anywhere a state employee is conducting authorized state business; en route to and from (excluding normal commute) a location where state business is, will be, or has been conducted; all DGS-owned buildings or leased spaces, garages, and parking facilities, including space within buildings shared with other departments or agencies; any work site or workspace occupied by DGS employees, whether or not the space is owned or leased by DGS.

Responsibilities **Manager/Supervisor:**

Managers/Supervisors are responsible for ensuring compliance with the provisions of the Workplace Violence Prevention Policy and related policies. **Managers/Supervisors shall immediately take appropriate steps to diffuse incidents of workplace violence** (see chart: Hints to Handle Potential or Actual Incidents of Violence and the [Workplace Violence Prevention Card](#)). Managers/Supervisors shall adhere to Incident Reporting Procedures for all incidents including:

- Call 9-1-1 if there is a physical conflict, or emergency situation, or someone has been seriously injured.
- Report all threats or acts of workplace violence to the DGS Workplace Violence Referral Line at (916) 376-5344.

For all observed or reported incidents of workplace violence, the Manager/Supervisor shall, as soon as reasonably possible, complete the [Workplace Violence Incident Report \(DGS OHR 24\)](#), gather written statements from involved employees and submit documentation to the DGS Workplace Violence Prevention Coordinator. The DGS Office of Human Resources reserves the right to gather additional information as necessary to ensure employee safety and a timely and appropriate response.

Continued on next page 128.1

Violence in the Workplace, Continued

- Responsibilities** (continued) If an employee has been injured, the supervisor:
- Completes a SCIF 3067, Employer's Report of Occupational Injury or Illness form, available within ABMS;
 - Provides the injured worker with a SCIF 3301, Workers' Compensation Claim form;
 - Immediately faxes the signed SCIF 3067, SCIF 3301, medical documents and any other pertinent forms to the proper State Compensation Insurance Fund (SCIF) office and the Return to Work Coordinator;
 - Mail original forms and documents to SCIF and retain copies in the supervisory file.

For additional information please refer to the [ABMS User Guide for DGS Injury Reports](#).

Managers/Supervisors may also offer affected employees critical incident or personal counseling through the Employee Assistance Program (EAP). EAP provides an employee with free, easily accessible and confidential resources for addressing personal concerns. As of July 1, 2004 the EAP provider is Managed Health Network (MHN) at (866) 327-4762. The DGS EAP Coordinator is available to arrange post-incident consultation at (916) 376-5376.

If you have reason to believe an employee will likely act violently towards others, utilize Administrative Time Off (ATO) in accordance with the DGS ATO Policy to excuse the individual from the workplace.

In lieu of ATO, a supervisor should consider other options for resolution such as a cooling down period, reassignment, additional supervision, and coaching or mentoring.

Employee(s) returning to the workplace from violence-related ATO shall be counseled with this policy prior to assuming their regular work duties. Depending upon circumstances additional counseling and/or discipline may be appropriate.

Employee(s):

State employees are expected to act professionally, courteously, and responsibly at all times, which ensures compliance with the State of California's rules of conduct (Government Code Section 19572).

Continued on next page 128.2

Violence in the Workplace, Continued

Responsibilities (continued) It is the responsibility of each employee to **immediately adhere to the Incident Reporting Procedures for any and all acts of workplace violence** without fear of reprisal. All reports will be taken seriously. The **initial verbal** report shall be followed up with **written documentation** which should include the following critical information: Names of the involved parties (i.e., perpetrator, victim and witnesses), exactly what occurred, when the incident occurred, where the event took place and, if known, why it happened.

Retaliation

It is a violation of this policy for a manager, supervisor or co-worker, to retaliate, in any form, against an employee who reports, threatens to report, or files a report of a complaint of violence in the workplace or participates in an investigation alleging violence in the workplace. Acts of retaliation will not be condoned.

Incident reporting procedures

If...	Then...	Report all threats or acts to:
<ul style="list-style-type: none"> • There is a physical conflict, or • Emergency situation, or • If someone has been seriously injured 	Call 9 + 911	<ul style="list-style-type: none"> • Your supervisor or manager, AND • To the Workplace Violence Referral Line at (916) 376-5344

NOTE: Any Workplace Violence Referral Line calls placed *after* normal business hours will be addressed on the *next* business day.

Continued on next page

Violence in the Workplace, Continued

**Workplace
 Violence
 Prevention
 Coordinator
 Role**

Upon notification, the Workplace Violence Prevention Coordinator will:

- Notify the affected Office/Branch Chief;
- Consult with affected Supervisor/Managers and employees reporting claims;
- Coordinate all appropriate referrals;
- Convene the Workplace Violence Crisis Team, if necessary.

Working together the Office of Human Resources and the affected Office/Branch Chief, the Workplace Violence Prevention Coordinator will direct the response related to incidents of Workplace Violence.

**Examples of
 Workplace
 Violence**

- Hitting, shoving or blocking of an individual.
- Shouting, yelling or verbal harassment, directly or indirectly.
- Threatening an individual or his/her family, friends, associates, or property with harm.
- The intentional destruction or threat of destruction of State property.
- Harassing surveillance or stalking.
- The suggestion or intimidation that violence is appropriate.
- Unauthorized possession or inappropriate use of firearms or weapons.
- Threatening or attempting self injury or suicide.

**Hints to
 handle a
 potential or
 actual
 violent
 incident**

Please do	Please do not
<ul style="list-style-type: none"> • Your best to stay calm; • Speak to the other person quietly and calmly; • Try to put some space between yourself and the other person; • Call 9-1-1 if there is immediate danger or someone is injured; and, • Notify your manager or supervisor when it is safe to do so. 	<ul style="list-style-type: none"> • Escalate the situation; • Try to shout down the other person or make any aggressive moves toward him/her; • Argue with the other person; • Use defensive sprays or weapons; • Fight with the other person. • Chase the other person; • Try to break up or intervene in a violent act; or, • Risk getting hurt yourself.

Continued on next page
 128.4

Violence in the Workplace, Continued

Workplace Violence Prevention

Know the Warning Signs

Research into incidents of workplace violence shows the presence of at least several of the following characteristics in a potentially violent individual. Clearly, not everyone who exhibits one or more of these warning signs is potentially violent. Understanding these signs, recognizing them when they occur, and acting on that knowledge and recognition are vital steps in heading off possible tragedy:

- Making direct or indirect threats.
 - Intimidating, belligerent, harassing, bullying, or other inappropriate or aggressive behavior.
 - Statements showing fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides.
 - Statements indicating desperation (over family, financial, and other personal problems) to the point of suicide.
 - Extreme changes in behavior.
 - Numerous conflicts with supervisors and other employees.
 - Bringing a weapon to the workplace, brandishing a weapon in the workplace, making inappropriate references to guns, or fascination with weapons.
-

Be Proactive

Managers and supervisors are accountable for recognizing a potentially threatening situation. Before a potential or actual violent incident occurs, managers and supervisors shall:

- Foster a supportive, harmonious work environment. Mutual respect can help reduce harassment and hostility in the workplace.
 - Communicate openly and give employees support and recognition.
 - Train managers, supervisors and employees on how to resolve conflicts.
 - Develop skills in effective communication, team building and resolving disputes.
 - When appropriate refer employees to EAP.
-

Continued on next page

Violence in the Workplace, Continued

Workplace Violence Crisis Team

The Director has established the Workplace Violence Crisis Team to address workplace violence issues, to assist in managing workplace violence prevention, and to provide resources to affected units of the DGS experiencing incidents of workplace violence.

Crisis Team Members:

Deputy Director, Management Service Division

The Deputy Director will serve as the representative of the Executive Office.

Employee Assistance Program Coordinator

The EAP Coordinator will provide assistance in community resource input.

Human Resources

The Office of Human Resources will lead the team and coordinate assistance with personnel matters and Labor Relations.

Office Chief (of the affected office)

The Office Chief of the affected office will be invited to join the Workplace Violence Team meeting as an active member unless the incident presents a conflict for the Office Chief. If there is a conflict, the appropriate Deputy Director will be invited to participate on behalf of the affected office.

Additional membership may include:

Violence Risk Assessment Professional, California Highway Patrol, Equal Employment Opportunity Office, Office of Legal Services, Public Affairs Office, and the Office of Risk and Insurance Management

Crisis Team Responsibilities

- Administer policies and procedures for the management of workplace violence prevention, promoting a safe working environment for DGS employees.
 - Assess risk, and determine the legal obligations of the department. The team will determine when outside resources are required.
-

Continued on next page

Violence in the Workplace, Continued

Crisis Team Responsibilities (continued)

- Serve as liaison to these specialized resources, such as: Violence Risk Assessment Professional, building/office security, workplace trauma counseling and debriefing, legal assistance, counseling groups, and law enforcement.
 - Advise the Management Team on workplace violence issues.
 - Meet at least semi-annually to review policy, procedures and issues.
-

Weapons Prohibited

In accordance with Administrative Order 01-05(a) dated October 17, 2001, it is the policy of the DGS that employees and members of the public are prohibited from possessing a firearm or dangerous weapon in a building or other structure, or on a work site or work space serving as a work station for employees of the DGS. This policy applies to all DGS owned buildings or leased spaces, garages, and parking facilities.

Prohibited weapons include:

- Any loaded or unloaded firearm. This applies even if the person has a permit for a concealed weapon pursuant to Penal Code Section 12050. (Law enforcement officers are exempt from this policy.)
- Dangerous weapons such as switchblade knives, clubs, or metal knuckles, etc.
- BB or pellet guns, CO2 or spring action, spot marker or paint guns.
- All knives with a fixed or fixable blade exceeding four (4) inches.
- Laser guns, stun guns, or unauthorized tear gas weapons. (Note: Tear gas weapons, including pepper spray, mace and similar spray devices *may* be possessed for self-defense pursuant to Penal Code Section 12403.7.

If it is found that a person is in violation of this policy, a supervisor should be notified and/or security personnel, as appropriate. The supervisor and/or security personnel should contact the California Highway Patrol or local law enforcement agency as appropriate.

Do not attempt to retrieve or confiscate the weapon(s).

Continued on next page 128.7

Resources

Resources The table below depicts the various resources available regarding violence in the work place.

Resource	Section
Administrative Orders http://inside.dgs.ca.gov/ad/ao.aspx	09-01
DGS Departmental Manual http://inside.dgs.ca.gov/osprr/DGSManual/TOC.aspx	0206, 1412, 1413
Law and Regulation http://leginfo.legislature.ca.gov/faces/codes.xhtml;jsessionid=ec740fb92d7f258ccc38ebd5c0c9	Penal Code 71, 171(b); Title 29, 654(a)(1),; Labor Code 6300, 230, 230.1 California Code of Civil Procedure, 527.8
Memorandum of Understanding (MOU) http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx	Refer to MOU
Responsible Control Agency and Program http://www.calhr.ca.gov/Pages/home.aspx	CalHR
SPB/DPA Policy Memos http://www.calhr.ca.gov/state-hr-professionals/Pages/policy-memos.aspx	PML 2001-063 2001-025
Other:	
Cal/OSHA Website U. S. Dept. of Labor–Occupational Safety and Health Administration California Dept. of Industrial Relations–Cal/OSHA National Institute for Occupational Safety and Health	www.dir.ca.gov/oshab/oshab.html http://www.osha.gov/SLTC/workplaceviolence/index.html http://www.dir.ca.gov/dosh/dosh%5Fpublications/worksecurity.html http://www.cdc.gov/niosh/topics/violence/