

INSTRUCTIONS TO SUPERVISORS WHEN AN INCIDENT OF POTENTIAL WORKPLACE VIOLENCE IS REPORTED

Immediate Danger or Injury?

Call 911. If someone has been injured, call 911. If there is an on-site security officer, summons him/her to the scene. You may also contact CHP.

Worker's Compensation. Provide any injured employees with a SCIF workers' compensation claim form.

Consider ATO. If you have good reason to believe an employee may physically harm someone, contact the Constructive Intervention Unit (CIU) to discuss placing the employee on Administrative Time Off (ATO). If incident occurred after normal business hours, the supervisor (with concurrence of the Office Chief) may send the employee home on ATO for no more than one (1) work day, and follow up with CIU the next business day. (Attached is a copy of the DGS ATO Policy.)

The Typical Process

*Once an incident of workplace violence is reported to CIU, we are responsible for coordinating and/or investigating reported incidents of workplace violence in a timely manner. We depend on supervisors to fully cooperate with our coordination efforts and provide the following documentation within **one to two business days following the incident.***

When an incident is reported to you, you will then typically contacts CIU. You will then be advised to do the following:

- Request written statements from all of the parties and witnesses. Written statements must be individually prepared by each party/witness, dated and signed.

No one involved in the incident or a witness should have access to or see another person's statement. They must be *independent* and *objective*.

It is OK to have an employee/witness hand-write their statement.

It is OK to have an employee/witness write their statement in another language (OHR will get it translated).

- Emphasize to all involved parties that you expect this situation to be treated as a high priority and with the utmost confidentiality.

- Review the written statements to make sure they include details. If they do not, ask follow up questions for more detail and have the person add that information to his/her statement.
- Advise the parties that “appropriate action” will be taken.
- Personally prepare a statement describing, with specific details:
 - a. Person making the workplace violence complaint
 - b. Person who allegedly acted violently
 - c. List of witnesses
 - d. Date, time and location of incident
 - e. Description of what allegedly occurred. Include specific behaviors, what was said, what was done, and the sequence of events.
 - f. Explanation of what, if any, measures supervisor has already taken to address the incident

CIU will use the above information to prepare the Workplace Violence Intake form.

- Submit the above documentation to CIU.

Other Methods of Reporting Workplace Violence Incidents

An employee may report an incident directly to CIU and/or the workplace violence referral line (916) 376-5344. The referral line is a resource in which any DGS employee may leave a message to report an incident either during or after regular business hours. (If messages are received after 4:00 p.m., they will be returned the next business day.) CIU will conduct a general “intake” by discussing the incident with the complainant and gather information such as (a) name of perpetrator; (b) list of possible witnesses; (c) date and location of incident, etc. The supervisor will then be contacted and provided the same instructions as already described.

Additional Investigation

In some cases, CIU may recommend to the supervisor that CIU conduct an investigation which would include interviewing all of the involved parties and witnesses. CIU will ask for the program to identify a supervisor to accompany CIU in those interviews, and assist in scheduling interviews, room reservations, etc.

Analysis, Findings and Recommendations

CIU’s responsibility is to determine if there was a violation of the departments’ Workplace Violence Prevention Policy.

After all of the documentation and available evidence have been provided to CIU, we will analyze the information and prepare a Findings and Recommendations memo addressed (typically) to the Office Chief.

Depending upon the credibility of the allegations, the culpability of the respondent, the specificity and credibility of the witnesses, other evidence that can be produced (e.g., surveillance tapes), and the nature of the conduct, CIU will make recommendation(s). CIU's recommendations may range anywhere from no findings, to any of the following:

- Verbal counseling, which may include reviewing the Workplace Violence Prevention Policy with the parties involved or the entire unit
- Attending Crossroads Training or Refresher Crossroads
- Reassignment to different building and/or different supervisor
- EAP Referral (perhaps with emphasis on Anger Management)
- Mediation
- Corrective Memo
- Adverse Action

Note: A "Findings and Recommendations Memo" from CIU is not necessary in every case. In cases where they are not necessary, CIU works directly with the program to discuss the case, the findings and the recommendations.

Other Types of Allegations

If your employee alleges they are a victim of sexual harassment, discrimination, or retaliation, please provide the employee a copy of the [DGS Employee Discrimination Complaint Form](#) and refer them the DGS EEO Office.

Subject: ADMINISTRATIVE TIME OFF (ATO)

REFERENCES	SECTIONS
Executive Orders	D-25-83
Human Resources (HR) Memorandum http://www.ohr.dgs.ca.gov/policymemos/default.htm	09-015
Law & Regulation http://www.leginfo.ca.gov/calaw.html http://www.dpa.ca.gov/statesys/dpa/oalrules.htm	GC: 19815.4, 19816, 19844.5, 19991.10 Rule: 599.785
Memo of Understanding (MOU) http://www.dpa.ca.gov/bargaining/contracts/index.htm	Refer to Employee's MOU
Responsible Control Agency and Program	Department of Personnel Administration
Other	
Constructive Intervention Unit http://www.ohr.dgs.ca.gov/Supervisor/ConstIntervention.htm	

Administrative Time Off (ATO)

Guideline	The Department of General Services (DGS) may grant Administrative Time Off (ATO) on a case-by-case basis, as approved by the DGS Director or designee, deemed to be in the best interest of the State. It is the goal of the DGS to make every effort to return the employee to the DGS worksite either in their own division or an appropriate position in any other division.
Delegated authority to department	Government Code (GC) Section 19991.10 provides that no paid leave of absence for State employees shall exceed five working days without prior approval of the Department of Personnel Administration (DPA). Under GC §19815.4 and §19816, this authority has been delegated to the DGS to approve up to 30 calendar days of ATO on a case-by-case basis, as approved by the DGS Director or designee.
Four reasons programs may approve ATO	<p>Program Supervisors and Managers may grant ATO for employees for the following reasons:</p> <ol style="list-style-type: none">1. Employee is a Precinct Election Board Worker (GC §599.930)2. Employee works or resides in a county where the Governor has declared a state of emergency (DPA Rule 599.785.5 authorizes up to five working days)3. Employee is called into service by the Office of Emergency Services (OES) for a search and rescue operation, disaster mission, or other life-saving mission conducted within the State (GC §19844.5 authorizes up to 10 calendar days)4. Employee's physical work environment is considered temporarily hazardous or detrimental to work productivity (e.g., equipment failure, building evacuation, gas leak)

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Administrative Time Off (ATO), Continued

Authority level and timeframes

Day(s)	Approval Authority
1	Supervisor/Manager, with concurrence of Office Chief
2-3	Office Chief, with concurrence of Deputy Director
4-10	Deputy Director, with consultation and concurrence of the Office of Human Resources' (OHR) Constructive Intervention Unit (CIU)

ATO leave OHR must approve

For all other reasons, including the following, OHR's Constructive Intervention Unit (CIU) **must be contacted** to approve the use of ATO and issue the ATO notification letter to the employee.

1. Reason to believe employee will likely cause damage to State facility, equipment, or records, as in the case of a pending dismissal or rejection during probation.
2. Situations where an employee places other employees at risk.
3. Medical conditions identified by the Office of Risk and Insurance Management which require a fitness for duty evaluation.
4. Pending formal investigation which could result in adverse or punitive action.
5. Any security risk.

Managers and supervisors are encouraged to explore any and all feasible alternatives before requesting that the Constructive Intervention Unit place an employee off work on ATO for the above reasons.

Exceptions:

If	Then
If there is an emergency situation where notice to or consultation with CIU is not practical or possible	Supervisors, with the concurrence of their Office Chief: <ul style="list-style-type: none"> • May send an employee home on ATO • For no more than one (1) work day • And must contact CIU as soon as possible the following work day to discuss the need for additional ATO

Continued on next page
7.2

Administrative Time Off (ATO), Continued

How to report ATO in PAL

Employees granted ATO of any type must use the appropriate ATO global alias to report their time in the Project Accounting and Leave (PAL) system. Specific ATO PAL aliases are described below:

ATO-ELECT

Employee is an Precinct Election Board Worker

ATO-GOV-EMERG

Employee works or resides in county declared a State of Emergency

ATO-OES

Employee is called to service by the Office of Emergency Services

ATO-SAFE

Employee works in an area deemed to be an environmental hazard and/or detrimental to work activity. Note: This is not the alias for workplace violence issues; see "ATO Leave OHR Must Approve" Item 2.

ATO-OHR

Constructive Intervention Unit has been consulted and has approved placing the employee off work due to sensitive and confidential personnel-related reasons

Tracking and monitoring

All ATO, regardless of the reason or PAL Alias code used to record the absence, is subject to audit by the Department of Personnel Administration (DPA). CIU staff receives ATO email alerts when any type of ATO is recorded in an employee's PAL timesheet. To confirm that the appropriate ATO was applied, CIU staff may contact the approving supervisor.

In cases where an employee has been placed off work by CIU on ATO-OHR, CIU will track the calendar days on ATO-OHR and provide periodic updates to the Deputy Directors describing: (1) names of employees currently out on ATO; (2) how many calendar days the employees have been out on ATO; and (3) date when justification for an extension of ATO is needed from the program in order for CIU to seek the required extension approval from DPA.

Continued on next page 7.3

Administrative Time Off (ATO), Continued

Extensions and limits

CIU may authorize, at the program's request, ATO-OHR for up to 30 calendar days. CIU must notify and request approval from the DPA for ATO extending beyond the initial 30 calendar days. ***Under no circumstances may ATO extend beyond 90 calendar days.***

If the program does not anticipate resolution of the issue prior to the conclusion of the initial 30 calendar days, program is required to:

- Contact CIU on or about the 20th calendar day of ATO-OHR
 - Provide a status update and written justification for an extension
 - Provide an anticipated ATO-OHR end-date
 - CIU will then request extension approval from DPA
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Contacts

For questions regarding ATO or to request ATO-OHR for an employee, please contact any member of the Constructive Intervention Unit at:

- (916) 376-5409
 - (916) 376-5378
 - (916) 376-5415
 - (916) 376-5404.
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