



# Human Resources and Development COUNTY OF TULARE AGENDA ITEM

## BOARD OF SUPERVISORS

ALLEN ISHIDA  
District One

PETE VANDER POEL  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** June 17, 2014

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input type="checkbox"/> prev. done
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

CONTACT PERSON: Rhonda Sjostrom      PHONE: 636-4900

**SUBJECT:** Tulare County Workplace Violence Policy

**REQUEST(S):**

That the Board of Supervisors:

1. Re-Affirm the Workplace Violence Policy, with minor updates to the policy;
2. Support county-wide training efforts, and June 18 & 19, 2014 Workshops on workplace violence awareness and prevention.

**SUMMARY:**

The County has a Workplace Violence Policy that was originally adopted in 1997 as an addendum to the County's Injury & Illness Prevention Policy. As originally written it addressed types of workplace violence as outlined by Cal/OSHA. Since the original adoption, the scope, amounts and types of incidences of Workplace Violence has expanded significantly. The policy provides for a Workplace Violence Committee consisting of members from Human Resources & Development, Risk Management/County Counsel, District Attorney, Mental Health, Sheriff's Department and the County Administrative Office. This group has completed the process of updating the policy for changes in departmental representation, assignment of responsibilities, and updates to standard operating language and terms based upon today's workplace violence issues. Further, the WPV Committee has worked on new procedures, forms for reporting and tracking of events, and educational/training materials.

The attached Policy is being brought to the Board of Supervisors for re-affirmation to prevent workplace violence and provide for a process to protect employees or those doing business with the County from threats of violence in the workplace.

**SUBJECT:** Tulare County Workplace Violence Policy

**DATE:** June 17, 2014

Due to increases in activity related to workplace violence and threats in recent years, the WPV Committee began a revise of the policy in early 2013 and also recommended education and training of our employees. New employees will receive training during their New Employee Orientations. For current employees, a county-wide training will be held on June 18 & 19 at the Visalia Convention Center to kick-off the updated Policy and Procedures. A national expert, on prevention and awareness of workplace violence type issues, Mr. Bruce Anderson, will be conducting the initial training. The County Board of Supervisors, the County Administrator, department heads, managers, safety officer and human resources representatives, and "first point of contact" counter/phone staff have been registered for this training. It is expected that future trainings may be held on a county-wide basis in order to reach the majority of our workforce and to develop from creating general awareness to pro-active prevention of incidents and management of threats. Additionally, the safety representatives and other attendees who go through this training will return and provide education at the departmental level. New supervisors will participate in a workshop on Workplace Violence in our future Supervisory Academies.

This is the first effort on a county-wide basis to offer this education on such an important topic to the County workforce. Employees participating will receive paid time to attend. The workshops are being coordinated in a joint effort by Human Resources and Risk Management/County Counsel.

**FISCAL IMPACT/FINANCING:**

Costs for the training facility and presenter are being shared between Risk Management and Human Resources & Development Department.

**ADMINISTRATIVE SIGN-OFF:**

---

Rhonda Sjostrom, Director  
Human Resources & Development Department

cc: Auditor-Controller  
County Counsel  
Risk Management  
County Administrative Office (2)  
WPV Committee Members  
Represented Organizations/Associations

Attachment: Tulare County Workplace Violence Policy

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF TULARE COUNTY )  
WORKPLACE VIOLENCE ) Resolution No. \_\_\_\_\_

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD June 17, 2014, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JEAN M. ROUSSEAU  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

That the Board of Supervisors:

1. Re-Affirmed the Workplace Violence Policy, with minor updates to the policy; and
2. Supported county-wide training efforts and June 18 & 19, 2014 Workshops on workplace violence awareness and prevention.

**TULARE COUNTY  
WORKPLACE VIOLENCE POLICY**  
(Updated & Re-Affirmed June 17, 2014)

**PURPOSE**

To establish a program to prevent workplace violence and a process of intervention to protect employees and those doing business with the County from threats of violence in the workplace

**POLICY STATEMENT**

It is the policy of Tulare County to work to provide a safe, secure and healthful working environment reasonably free from fear of violence, aggression, intimidation, harassment or retaliation for all employees and the public. Acts or threats of violence against the life, health or 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. Any such acts by County employees towards others constitutes grounds for disciplinary action up to and including dismissal from County employment and could result in criminal prosecution. The act or threat will, in and of itself, constitute grounds for discipline regardless of whether or not the perpetrator intended to carry out the threat.

As an addendum to the Tulare County Injury and Illness Prevention Program (IIPP), this policy will address the hazards known to be associated with the three major types of workplace violence as outlined by CalOSHA.

Type I involves a violent act by an assailant with no legitimate relationship to the workplace who enters the workplace to commit a robbery or other 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 one of our employees.

**RESPONSIBILITY**

All Department Heads, Managers and Safety Representatives are responsible for implementing and maintaining the provisions of this program for Tulare County. They shall develop a system to communicate to and answer questions from employees under their responsibility about the Workplace Violence Policy and ensure that a copy of the policy is available in every work location. It is the responsibility of all employees to follow the policy and report violations of the policy to management immediately.

**COMPLIANCE**

Tulare County is committed to ensuring that procedures are in place to ensure the safety, health and security of all employees and that the procedures for workplace security are communicated to and observed by all employees. To this end:

- 1 Employees, supervisors and managers will be informed of the County Policy on Workplace violence. All new employees will be provided with, and required to sign a copy of the policy statement.
- 2 Employees will be evaluated on their compliance with our workplace violence policy as provided within the performance evaluation.
- 3 Training and counseling will be provided to employees whose performance is deficient in complying with work practices designed to ensure the safety, health and security of all

employees.

- 4 Failure to comply with workplace violence policy will result in disciplinary action.

### COMMUNICATION

Tulare County recognizes that to maintain a safe, healthy and secure workplace we must have open, two way communication between all employees, including managers and supervisors, on workplace safety, health and security issues. The County has a communications system designed to encourage a continuous flow of safety, health, and security information between management and our employees without fear of reprisal and in a form that is readily understandable. Our communication system consists of the following:

1. The County's Workplace Violence Policy is reviewed with all new employees at the New Employee Orientation. The Workplace Violence policy will be covered in Supervisory Academy.
2. The County Safety Officer will periodically review the Workplace Violence Policy as provided within the IIPP with all Safety Representatives.
3. The Human Resource and Development Director shall ensure proper training programs are designed and conducted to address specific aspects of workplace safety, health and security unique to each Department's working environment including, but not limited to, identifying threats or potential threats, what steps to take in response to threats or violence and conflict resolution skills. The Human Resource and Development Director shall require annual review of the training program content at the department level.
4. Departments shall include workplace safety, health and security discussions with all employees at regularly scheduled staff meetings no less than 1 meeting per year.
5. Posted or distributed workplace security information that will ensure that employees and management at all levels understand County policies.
6. A procedure that allows employees to inform management about workplace safety, security hazards or threats of violence.
7. Formation of a Workplace Violence Committee of management specialists from various disciplines who will take immediate action on threats, initiate investigation of complaints of violence or aggression in the workplace and develop plans to respond to threats, and for retaliation against those who report incidents of workplace violence.

### PROHIBITED BEHAVIOR

Employees of Tulare County shall not engage in, encourage or promote acts of harassment, intimidation, violence, threats, coercion or abusive and or assaultive 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 damage property owned, operated or leased by the County. For the purpose of this policy violent acts shall be defined as:

- **Verbal violence** - Threats, verbal abuse, or harassment involving unwarranted acts of language designed to threaten, intimidate or do harm.
- **Physical violence** - Unwelcome physical contact between two parties. Physical violence includes but not limited to assault or battery and property damage caused by vandalism, arson or terrorism.
- **Written violence** - Written (including electronic documents) threats in the form of letters, notes, plans or drawings describing and/or, detailing warning or delivering threats.

## REPORTING

Episodes of workplace violence can only be reduced if employees are willing to report threats of violent behavior. Any employee who receives, or learns of any threat or violent act is to report such incident to his/her supervisor or Department manager immediately. Information about the incident will remain confidential and will be disclosed only to those who have a need to know. All complaints of workplace violence will be reviewed or investigated by the workplace violence committee.

## AUTHORITY TO TAKE ACTION OF IMMEDIATE THREAT

County employees are not encouraged to intervene in a violent situation or place themselves in danger and are authorized to use their best judgment when confronted with an immediate threat of harm or risk to safety, health and security and call 911. In the event of an immediate threat of violence or harm, the County's active shooter/lockdown policy will apply.

When the threat potential is not immediate, the procedures of the Workplace Violence Committee will proceed.

## INCIDENT INVESTIGATIONS

In the event of an immediate threat or violent act the department manager on site will immediately call 911, then will contact his/her Department Head. The Department Head will initiate an investigation and without delay notify the Human Resources Director of each incident. The Human Resources Director, or his designated alternate, will alert the Workplace Violence Committee. The workplace violence committee shall promptly conduct or authorize an investigation into a reported incident. The investigation will include:

- 1 Review all previous incidents involving any of the present participants
- 2 Interview the threatened or injured employee(s) and witnesses as soon as possible
- 3 Visit the scene of the incident and make a workplace security assessment if warranted
- 4 Assess possible causes of the incident including any prior incidents by the same perpetrator
- 5 Taking corrective action to prevent the incident from escalating or recurring
- 6 Alerting law enforcement authorities and arranging for Temporary Restraining Orders where the need exists. Certain actions may require an employee to be held legally/criminally responsible under state and/or federal law.

The Human Resources Director has the authority and responsibility to initiate any restraining order or other legal document necessary to protect the employee(s) and their families. The County Counsel's office will assist the Human Resources Director and departmental management in obtaining an employer's workplace Temporary Restraining Order when circumstances warrant.

## MONITORING

The Workplace Violence Committee will continuously monitor the effectiveness of the County's workplace violence prevention practices. Changes may be made, as necessary, to correct or streamline responses to critical conditions. The Human Resource and Development Director will monitor completion of training requirements and may recommend and implement training, surveys, or other quality control procedures to evaluate the effectiveness of this policy. The Safety Officer will monitor the effectiveness of the

workplace safety at Department facilities to ensure compliance with the County's workplace violence prevention practices. The County Administrative Office will audit compliance with the County's Workplace Violence Policy.

### **TRAINING**

The Human Resources and Development Training Staff and the County Safety officer will coordinate and conduct annual training of all managers, supervisors, employees and new-hires on the County's Workplace Violence Policy. Each current employee and each newly hired employee will be given and required to sign a copy of the policy statement.

### **WORKPLACE VIOLENCE COMMITTEE**

A Workplace Violence Committee has been established within Tulare County to address complaints of workplace violence or threats of violence. When the Human Resources Director determines that the nature of the threat or violence is best dealt with by a team approach he/she will convene the Workplace Violence Committee or those members the Director deems appropriate to the incident. The Team will convene as soon as possible after the call of the Human Resources Director. The team will consist of managers from the following:

Human Resources  
County Counsel  
District Attorney  
Mental Health

Sheriff's Department  
County Administration Office  
Risk Management Division/County Counsel

It will be the responsibility of the Workplace Violence Committee to direct the response and take the steps it deems necessary to protect the person receiving the threat and to assure a timely investigation is started along with appropriate notification of law enforcement authorities. In addition to the above, the Workplace Violence Committee will

- Clarify management, legal, security and psychological issues
- Predict and prepare for potential escalation
- Coordinate communication, internally and externally
- Provide on-going consultation and support
- Monitor resolution of the situation

### **HAZARD ASSESSMENT**

Each Department Head will designate a person at each work site who will perform workplace violence hazard assessments for security in the form of periodic (no less than annual) inspection and provide a report to the Department Head according to the following:

- When the Workplace Violence Policy is initially established and added to the IIPP.
- When new or previously unidentified workplace violence hazards are recognized
- When occupational injuries occur that are the result of a workplace violence incident.
- When potential workplace violence conditions warrant an inspection

The Hazard Assessment will consist of at the minimum a review of the history of incidents within the department, a review of the activities which might expose employees or other persons to the risk of violence. Examples of activities to be considered

- 1 Working with money
- 2 Dealing with people who may be under the influence of drugs or alcohol
- 3 Dealing with people who are deeply troubled
- 4 Department activities that may elicit a negative or confrontational response.
- 5 Person who works alone at a County site or in the field

Periodic inspections for workplace violence hazards consist of identification and evaluation of the potential hazards and changes in employee work assignments. Records of workplace violence inspections, including the name of the person conducting the inspection, are to be recorded and retained in the IIPP manual, Workplace Violence division, for three years.

### **DISCIPLINARY PROCEDURES**

Employees found to be in violation of the policy will be subject to disciplinary action which may include oral reprimand, written reprimand, suspension, or termination of employment. An employee convicted of a violent crime or engaging while on or off-duty in behavior which violates this policy, may be subject to disciplinary action, if, during the crime or behavior, the employee represented himself as a County employee.

Disciplinary actions may include

- 1 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
- 2 Immediately instructing the employee to leave the premises and placing an employee on Administrative Leave pending results of an investigation, and or
- 3 Instructing any threatening or potentially violent person to leave a County site

### **QUESTIONS AND COMMENTS**

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

### **EFFECTIVE DATE**

This policy becomes effective IMMEDIATELY UPON RE-AFFIRMATION by the Board of Supervisors on June 17, 2014.