

HUMAN RESOURCE POLICY

#30 (ADMIN)

WORKPLACE VIOLENCE PREVENTION & RESPONSE

Approved by: Personnel Board 6/26/2014

City Council 8/12/2014

Mayor of Omaha: Jean Stothert
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Pursuant to the Omaha Municipal Code, Section 23-65, this document is a Human Resource policy of the City of Omaha. Please check the City's website, <http://www.cityofomaha.org/humanresources/public-documents/hr-policies> for the latest version of this policy. Where no policy or guideline exists or if there are questions on this policy, please contact the Assistant Human Resources Director/Labor Relations Director in the Human Resources Department.

Purpose:

The City of Omaha is committed to preventing workplace violence and to maintaining a safe work environment for every employee. In furtherance of this, the City has adopted the following guidelines to deal with intimidation, harassment or other threats of or actual violence that may occur on-site or off-site during work-related activities.

In addition to this policy, employees are encouraged to review the City's Executive Order "Harassment: Age, Ethnic, Disability, Race, Religion, Sex, or Sexual Orientation."

Policy:

A. Definitions

"Workplace violence" is defined by the Occupational Safety and Health Administration (OSHA) as any act or threat of violence, harassment, intimidation or other threatening disruptive behavior that occurs at the work site. This may also include, but is not limited to, stalking, emotional abuse, and cyber bullying/stalking.

"City property" is defined as all City-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under the City's ownership or control.

"Weapons" includes, but is not limited to, firearms, explosives, knives, weapons or components thereof and other items that can be considered dangerous or that could cause harm.

B. General Policy and Weapon-Free Workplace

To provide a work environment as safe as possible for every employee, the City shall not tolerate any behaviors or activities by employees or anyone else that can lead to workplace violence. Prohibited behaviors and activities include, but are not limited to, the following:

1. Bringing weapons to city property or using those weapons in the workplace;
2. Making threats or exhibiting threatening behavior (including indirect threats such as stalking, verbal abuse and harassment);
3. Engaging in any act of aggression or act of violence (i.e., slapping, kicking, punching a person, or destroying property).

The City of Omaha prohibits the possession or use of a weapon on City property unless:

1. The person is specifically designated in writing by the Mayor as a person required to carry a weapon in performance of his/her City of Omaha duties, in which case the Human Resources Department shall be advised and may require specialized training, or
2. The person is a licensed law enforcement officer or retired law enforcement officer approved to carry a gun in an official capacity.

Moreover, a person authorized to carry or use a weapon as permitted by the preceding #1 must also comply with all rules and procedures applicable to the building or premises in which the weapon will be carried and must secure the required permissions to carry a weapon in the building or on the premises (i.e., the Building Commission rules applicable to the Omaha/Douglas County Civic Center or Douglas County Hall of Justice).

A license to carry a concealed weapon does not supersede City policy. Unless a person is permitted by the preceding #1 or #2, the possession of a weapon on City property or during the performance of one's duty is not permitted even if the carrier has a legal permit to carry a weapon

All City employees are subject to this provision on City property including full-time, part-time, and seasonal employees, contractors, visitors, and members of the public. Violations could result in disciplinary action, up to and including termination, in addition to potential arrest and prosecution. Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy. This policy applies to all City-owned or leased vehicles, an employee's personal vehicle parked on City property, or any vehicle used for City work purposes during City work time including any vehicles that come onto City property. Moreover, this policy applies to any purses, bags or personal items carried on or in the possession of anyone on City property.

To determine whether any weapon has been brought onto its property or premises in violation of this policy, the City reserves the right at any time and at its discretion to search:

1. All personal vehicles or items brought onto city property;
2. Any city-owned or leased vehicles; and,
3. All packages, containers, briefcases, purses, lockers, desks, enclosures, and persons entering its property.

Employees who fail or refuse to promptly permit a search under this policy could be subject to disciplinary action, up to and including termination.

The Human Resources Department shall administer and enforce this policy. Anyone with questions or concerns specific to this policy should contact the Assistant Human Resources Director (Labor Relations Director).

C. Safe Workplace

City employees have the right to carry out their assigned duties in a safe environment whether that is on or off City property (e.g., street maintenance work, housing inspection). All employees, customers, vendors and business associates should be treated with courtesy and respect at all times. Threats, threatening behavior, fighting, "horseplay," dangerous conduct, or acts of violence made against City employees during the course of their work by anyone whether co-worker or the general public is a violation of this policy and shall not be tolerated.

D. Preventative Measures

Each work reporting location shall have a workplace security plan.

1. Supervisors, in cooperation with union stewards, shall complete an initial workplace security assessment (forms provided by the Human Resources Department, Safety & Training Division) and shall be responsible for the continued assessment of workplace safety and security.
2. Human Resources Department Safety & Training Division employees shall review workplace security assessments and follow-up to ensure necessary corrective actions are accomplished.
3. From these security assessments, the operating department and the Human Resources Department shall prepare the workplace security plan for each work reporting location. Each supervisor, with assistance from the Human Resources Department Safety & Training Division, shall be responsible for training his/her employees regarding the plan and shall ensure the plan is "posted" at each work reporting location.

E. Reporting Procedures

Every employee, as well as each employee union representative, shall be responsible for immediately reporting to his/her immediate supervisor, to a management level supervisory employee, or to the Assistant Human Resources Director (Labor Relations Director), any act or incident of violence, any indirect or direct threats of violence, or any violations of this policy.

When dealing with any emergency situation, the police must be notified immediately by dialing 9-1-1 (from a City phone with a "444" prefix, first dial "9" to get an outside line, then dial "9-1-1"). Supervisors are expected to take whatever immediate action is necessary to defuse the situation and protect lives and property, including possibly removing an employee from the work location. This means that the supervisor, in his/her discretion, may need to ensure that the employee does not operate a motor vehicle (i.e., provide transportation for the employee to his/her home). Supervisors are encouraged to contact union representatives for help in defusing potentially violent situations. **Failure to report any act or incident of violence, any indirect or direct threats of violence, or any violations of this policy may be cause for disciplinary action, up to and including termination.** When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident. At all stages of the reporting and investigative process, to the extent possible, employees' rights to confidentiality shall be respected. The City will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. An employee who retaliates in any way against any person because such person has reported an act or threat of violence, or offered evidence, or assisted in any fashion in the investigation of an act or threat of violence, shall be subject to disciplinary action up to and including termination.

All employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must promptly provide to their supervisor or the Assistant Human Resources Director (Labor Relations Director) a copy of the petition and declarations used to seek the order and a copy of any temporary or permanent protective or restraining order which is granted. Employees are encouraged to report safety concerns with regard to intimate partner violence. The City will not retaliate against employees making good-faith reports. The City is committed to supporting victims of intimate partner violence by providing referrals to the City's Employee Assistance Program (EAP) and community resources and providing time off for reasons related to intimate partner violence.

Supervisors who learn of any act of violence, threat of violence, or violations of this policy shall report any such incident immediately to the Division Manager (if applicable), Department Director, and Assistant Human Resources Director (Labor Relations Director). Supervisors shall document and investigate any act or threat of violence using judgment to assess the seriousness of the situation. The results of such investigation, including the facts, names and interviews of witnesses (if applicable), shall be reported to the Division Manager, Department Director and Assistant Human Resources Director (Labor Relations Director).

This policy deals with violent acts and threats of violence at any City work site; however, all City employees should be aware that violent acts or threats of violence relating to or affecting City employment are strictly prohibited anywhere. It is not acceptable to “take it (a fight) outside.” Such action shall be subject to disciplinary action, up to and including termination.

F. Operational Guidelines for Threat Management/Post Incident Response Teams

1. Upon notification of a **threat of violence or violation of this policy**, the Assistant Human Resources Director (Labor Relations Director) shall determine whether a Threat Management Team shall be established to assess and respond to the situation. The Assistant Human Resources Director (Labor Relations Director), in determining the appropriate level of response, may utilize a specialist in the field of assessing potentially violent behavior and/or employee union representatives.
2. Upon notification of an **act of violence**, the Assistant Human Resources Director (Labor Relations Director) shall convene a Post Incident Response Team.
3. Potential members of these ad hoc teams include union representatives, EAP representatives, Law, Police, and Fire Department representatives, outside specialists or anyone else as determined to be appropriate. Once formed, the team shall promptly investigate and act upon the situation following the criteria set forth below.

G. Dealing with an Incident

1. Following the incident, if workplace safety has been compromised, the supervisor shall immediately take appropriate measures in order to restore safety to the workplace.
2. The Assistant Human Resources Director (Labor Relations Director), Threat Management Team and/or Post Incident Response Team may take any or all of the following actions as deemed appropriate to deal with the incident:

- a. In case of a major incident, notify the Mayor's Office press liaison immediately. Heavy media response to an incident of workplace violence may be anticipated.
- b. Review the preliminary investigation findings and determine whether further investigation and/or action is necessary.
- c. Determine whether there is a need to interview any other persons. If an interview with a potentially violent employee is conducted, non-intimidating, low-key security should be provided.
- d. Determine the degree of psychological trauma endured by the employees involved in the incident.
- e. Develop a recommended plan of action to include any or all of the following:
 - i. Notify the target of a threat, as deemed appropriate, to include providing advice regarding restraining orders and/or counseling as appropriate.
 - ii. Report the facts for a criminal prosecution or mental health commitment.
 - iii. Make EAP referral(s).
 - iv. Prepare and deliver employee discipline, up to and including termination.
 - v. Director of affected department, in conjunction with the Finance Director, make a physical damage assessment.
 - vi. Hold a debriefing session for senior management to clarify priorities, provide damage assessment, and gain approval for the recommended plan of action.
 - vii. Hold a debriefing for affected employees.
 - viii. Activate pre-arranged on-site trauma counseling as soon as possible.
 - ix. Make provisions through EAP for long-term counseling for affected employees, as needed.

- x. In cooperation with EAP after a serious incident of violence, provide training/counseling to coworkers on how to communicate with the victim/coworker who is reentering the job after a period of absence or on any other issues related to the incident.
- xi. Request that supervisors watch closely for signs of stress among employees and report concerns to the Response Team.
- xii. Review and modify the Workplace Security Plan as needed.
- xiii. Take any other measures deemed appropriate to deal with the incident.