

ADMINISTRATIVE ORDER NUMBER 2-27

SUBJECT: Preventing Workplace Violence

Responsible Department: Personnel Services

Date Issued: July 9, 1999

Date Revised: June 28, 2018

Approved: *(Signature on File)*

Purpose and Policy

As a matter of policy, the City of Fresno is committed to providing for all employees a safe and healthy work environment that is free of violence, aggression, intimidation, harassment and/or retaliation. Acts or threats of violence against the life, health and/or well-being of employees, or destroying an employee's personal property, either in the workplace or in connection with that employee's work will not be tolerated. Any such acts by City employees towards others may constitute grounds for disciplinary action up to and including dismissal from City employment and may be reported to the Police Department for criminal investigation.

As a matter of policy, the only employees authorized to possess a weapon, including a firearm, an explosive or incendiary device, on City property, in City vehicles, and/or in other City equipment, are peace officers employed by the City, as defined in California Penal Code Sections 830.1, 830.33, and 830.37 (i.e., police officers, arson fire investigators, airport public safety officers, and retired police officers who are eligible to possess a weapon pursuant to California Penal Code Section 171a.(b)(2)(A), while engaged in work activities for the City.

Finally, through training, workplace assessments, and cooperation of all staff the City can ensure the effective handling of critical workplace incidents involving actual or potential violence.

Definitions

A. There are three major types of workplace violence as defined by Cal/OSHA:

1. Type I: The offender has no legitimate business relationship to the workplace and usually enters the affected workplace to commit a robbery or other criminal act.
2. Type II: The offender is either the recipient, or the object, of a service provided by the affected workplace or the victim, e.g., the assailant is a current or former client, patient, customer, passenger, criminal suspect, inmate or prisoner.

3. Type III: The offender has some employment-related involvement with the affected workplace. Usually this involves an assault by a current or former employee, supervisor or manager; by a current/former spouse or lover; a relative or friend; or some other person who has a dispute with an employee of the affected workplace.

B. Violence for purposes of this policy is defined as:

1. Verbal Violence – Willful statement(s) that involve threats, verbal abuse, and/or harassment involving language that threatens and/or intimidates.
2. Physical Violence –Physical violence includes, but is not limited to, assault, battery, stalking, and/or property damage or destruction that is deliberately caused.
3. Written or Electronic Violence – Written or electronic threats including emails, texts, posts, letters, notes, plans and/or drawings, describing, detailing, warning or delivering verbal violence.

C. Violent Acts for purposes of this policy are defined as, but are not limited to, the following:

1. Physically contacting another person in a hostile manner including, but not limited to, striking, punching, slapping, grabbing, pinching and/or spitting, except for justifiable self-defense.
2. Fighting and/or challenging another person to fight.
3. Engaging in dangerous and/or threatening horseplay.
4. Physically or verbally threatening physical, psychological or economic harm to another person, and/or any action or conduct that implies the threat of bodily harm, including written or electronic violence.
5. Stalking – Willfully and repeatedly following or harassing another person and making a credible threat of violence with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family.

D. Weapons for purposes of this policy are defined as any firearm, any deadly weapon, or, any other object used willfully to perform physical violence.

Prohibited Acts

The following acts are prohibited under this policy, and if an employee, during working hours, or connected to work, demonstrates or engages in violence and/or

violent or prohibited acts as noted in this policy, he or she may be subject to disciplinary action up to and including termination and may be reported to the Police Department for criminal investigation:

- A. Engaging in violence, violent acts, and/or threats of violence, such as threatening, endangering, intimidating, coercing, harassing, assaulting, and/or other similar unwanted behavior towards another person in connection with that employee's City employment and/or intentionally damaging property of the employee, except for justifiable self defense; and/or
- B. Possessing on City property, in City vehicles, and/or in other City equipment, a weapon defined in Section II above while engaged in work activities for the City, unless the employee is a peace officer employed by the City, as defined in California Penal Code Sections 830.1, 830.33, and/or 830.37 (i.e., police officers, arson fire investigators, airport public safety officers, and retired police officers who are eligible to possess a weapon pursuant to California Penal Code Section 171a.(b)(2)(A); and/or
- C. Use, or threat of use, of any object for violence while engaged in City business at any City location, including City parking lots, other exterior premises, or while in or using City vehicles, except for justifiable self-defense.

Procedures

- A. Except for employees whose responsibilities require them to provide service to a person who is violent, threatening, or harassing, any employee who believes she or he is the victim of any violent, threatening, or harassing conduct, or is a witness to such conduct should immediately:
 - 1. Retreat when possible and reasonably assist others in moving to a safe location; and,
 - 2. Notify the Police Department or security personnel if there is imminent danger. Call 911 if necessary; and,
 - 3. Report the incident to their supervisor or manager as soon as possible. If the supervisor or manager cannot be contacted, notify Personnel Services (559-621-6950) when practical and possible.
- B. All employees should be alert to their surroundings and persons whose actions or presence appears to be of suspicious nature not typically expected. If employees have reasonable doubts and concerns for their safety they should avoid the situation if possible and quickly but quietly notify a supervisor, and/or follow other applicable security procedures for the worksite.

- C. City employees who are not required nor specifically trained and equipped should not attempt to confront a potentially violent person.
- D. No one who initiates a complaint or reports an incident under this policy will be subject to retaliation.
- E. Any employee who makes a report under this policy, which the employee knows or should know is false, shall be subject to corrective action.
- F. Any report of violent behavior by a City employee will be thoroughly investigated. Any corrective action taken will be in accordance with Administrative Order 2-14 and applicable sections of the Fresno Municipal Code.
- G. In those incidents where there is possible violation of the law, the incident will be reported to the Police Department for criminal investigation.
- H. Restraining Orders: If an employee has a restraining order against another employee or is a protected person or restrained person as a result of a restraining order that involves a City workplace, the employee must report it to his/her supervisor who shall notify Risk Management and the Department Director or designee. Copies of the restraining orders with proof of service should be retained by the employee to assist the Police Department in the event a violation occurs in the workplace or at a worksite.
- I. Hazard Assessment: Each department is responsible for performing workplace violence hazard assessments under the direction of the Department Director or designee, at least annually. Following the assessment it is the responsibility of the Department Director to ensure that remedial steps, if necessary, are taken to ensure the safety and security employees and City property.
- J. Access Control Procedures: Each department will develop and implement department specific access control procedures as appropriate to the work area.
- K. Threat Assessment Committee: A Threat Assessment Committee ("TAC") will be established to include representatives from the Personnel Services Department, the City Attorney's Office, the Police Department, and the involved department. The TAC will be convened to review all credible threats and acts of violence unless otherwise protected by a confidential criminal investigation, or otherwise protected by law. The TAC will assess the circumstances and direct the appropriate response. The TAC may also meet periodically to review City policies and readiness to react appropriately to potential violence. The TAC representative from the City Attorney's Office is designated by the City Attorney and the other TAC members are designated by the City Manager.

Pepper Spray

- A. On a case-by-case basis, the City Manager or designee may authorize the possession of pepper spray for an employee, following a recommendation from the respective Department Director which includes a justification that identifies why such authorization is appropriate.
- B. Employees authorized to use Pepper Spray must participate in training provided by the Police Department on personal safety and proper use of pepper spray. Employees must participate in periodic training updates provided by the Police Department.
- C. Use of Pepper Spray, by authorized employees, is only permitted when consistent with training provided by the Police Department.