

REPORT TO CITY COUNCIL

DATE: FEBRUARY 12, 2020

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: NATHAN HAMBURGER, ASSISTANT CITY MANAGER
CELESTE BIRD, ADMINISTRATIVE ANALYST

SUBJECT: ADOPTION OF RESOLUTION NO. 20-1925; AMENDING THE
EMPLOYEE HANDBOOK TO INCLUDE A WORKPLACE VIOLENCE
PREVENTION POLICY

The City of Agoura Hills is committed to preventing workplace violence and to maintaining a safe work environment for every employee and customer. In furtherance of this, and in compliance with Cal/OSHA's "Guidelines for Workplace Security", the City has created a Workplace Violence Prevention Policy. This Policy will help employees identify and reduce the components frequently associated with workplace violence and will provide the tools, skills and recommended training to help employees be prepared to respond appropriately to a potentially violent situation. In addition, employees are advised that disciplinary action may result from violation of this Policy or any workplace safety procedure.

Although the Workplace Violence Prevention Policy is not a legal requirement, the California Joint Power Insurance Authority (CJPIA), our insurance provider, strongly recommends member agencies adopt a Workplace Violence Prevention Policy as a risk management practice, not only for the safety and protection of their employees and customers, but for the agency as a whole.

The policy and resolution has been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

It is respectfully recommended that the City Council approve Resolution No. 20-1925; amending the Employment Handbook to include a Workplace Violence Policy.

Attachments: Resolution No. 20-1925
Exhibit A Workplace Violence Protection Policy

RESOLUTION NO. 20-1925

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE EMPLOYEE HANDBOOK TO INCLUDE A WORKPLACE VIOLENCE PREVENTION POLICY

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1. The City Council of the City of Agoura Hills hereby approves the Employee Handbook, as amended in Exhibit A, to include a Workplace Violence Prevention Policy. The effective date of these amendments will be February 12, 2020.

PASSED, APPROVED, AND ADOPTED this 12th day of February, 2020, by the following vote to wit:

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Illece Buckley Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk



WORKPLACE VIOLENCE PREVENTION POLICY

I. PURPOSE

The policy addressing workplace violence is created to increase awareness among all City employees for the potential of violence within the organization, and to recognize signs, remedies and consequences of a violent act.

As the behavior of individuals can vary in unpredictable ways, the threat of workplace violence cannot be eliminated. However, management and employees can work together to identify and reduce the components frequently associated with workplace violence and be prepared to respond appropriately to a violent situation.

The purpose of this policy is to reduce the occurrence of injuries from workplace violence and decrease the potential and actual economic loss for employees, the public, and the City.

II. POLICY

The City of Agoura Hills hereby establishes a Workplace Violence Prevention Policy in compliance with Cal/OSHA's "Guidelines for Workplace Security", which requires employers to develop a workplace security component to their Injury and Illness Prevention Program (IIPP). Employees are advised that disciplinary action may result from violation of this Policy or any workplace safety procedure. Employees are further advised that the principles of progressive discipline may be waived in instances of egregious or serious acts by employees. Termination from employment is a possibility and may be the only disciplinary action that is taken.

The City promotes an active, bilateral communication system to encourage continuous compliance of safety, health, and security policies, between management and employees without fear of reprisal, and in a form that is easily understood by all employees. The City recognizes that effective communication between management and employees is essential to combating workplace violence. Effective communication requires a two-way channel in which information is provided, received, and interpreted. Feedback must also be an integral part of effective communication.

III. DEFINITIONS

- A. City premises: facilities such as City Hall and Recreation and Event Center.
- B. City uniform: City issued clothing such as job uniforms, badges, hats, pins, banners, or other identifiable object that carries the City's logo or represents the City.
- C. Department head: An appointed person with direct supervision and responsibility for personnel, records, funds, maintenance, and department services.
- D. Employee: A person legally employed by the City.
- E. Threat: A threat occurs when a person expresses intent to inflict harm on another person through physical injury, punishment, or intimidation. There are three types of threats.
 - 1. Threats aimed directly at the victim(s) by the perpetrator.
 - 2. Veiled or indirect threats made to a third party against a victim(s).
 - 3. Conditional threats contingent on a particular event occurring.
- F. Violent Act: An action characterized by physical force or intent to use physical force with the purpose of inflicting harm upon another person(s).

IV. CITY RESPONSIBILITIES

The City is responsible for providing employees with education and training on policies relating to potentially violent situations in the workplace.

The City will appoint an Incident Management Team to supervise workplace violence cases. The team will consist of the Assistant City Manager, City Manager designee(s), and the Department head or supervisor of the department involved in the incident, with the following responsibilities:

- A. Implement an action plan that specifies how management should respond to a potential workplace violence case, including which personnel to contact in an emergency and their role in handling the incident. This plan should include a post-situation response that (1) informs employees of the situation through internal communications, (2) provides counseling for employees affected by the event (See *Attachment A*).

1. Investigate, document, and track all workplace violence cases, including the following tasks: Conduct the initial investigation of the incident.
2. Assess the seriousness of the situation and respond appropriately.
3. When alerted of a potentially violent person or occurrence, notify incident management team immediately.
4. Interview the victims immediately after the incident to retrieve the most accurate information.
5. Inspect the scene of the incident as soon as possible.
6. Determine the direct or indirect causes of the incident. Include previous reports of inappropriate behavior by the perpetrator(s) and any corrective actions taken. This will assist management in determining appropriate disciplinary action.
7. Record the results of the current investigation and corrective actions taken. The Assistant City Manager shall maintain documentation in a central file.
8. Contact a specialist in workplace violence to evaluate the situation for additional corrective actions.

V. MANAGEMENT AND SUPERVISORY RESPONSIBILITIES

The City Manager and/or the Assistant City Manager is/are responsible for administering this policy and delegating authority to department heads for implementation. Department heads are responsible for delivering and interpreting this policy to their employees and ensuring that each employee fully understands and complies.

A. Human Resources Department is responsible for the following:

1. Require a completed job application form that includes a waiver and release for the City to verify reported information. Conduct background checks of applicants per city policy.
2. Never accept a résumé in place of a fully completed application.
3. Review a job application carefully, with particular attention to unusual or suspicious entries.
4. Always check references.
5. Conduct periodic reviews of this policy with all City personnel, as deemed necessary.
6. Post and/or distribute information regarding workplace violence.
7. Remind all employees, through memos and training, of the importance and urgency of reporting all threats of workplace violence to a supervisor

immediately after such an incidence occurs. Reporting of a violent occurrence is mandatory and failure to do so could result in disciplinary action up to, and including termination.

8. Ensure that department personnel adhere to provisions of this policy.
9. Respond to, and correct workplace security issues (*see Attachment B*).

B. Managers and supervisors must understand the following:

1. Terminating employment of an unstable employee may be necessary but could cause that employee to harbor such resentment that he/she could return later seeking revenge.
2. Some violent employees may have a psychological disability that causes violent behavior.
3. An employee assistance program is available to all employees. This program can help employees resolve issues before they become a workplace problem and provide assistance to managers and supervisors.

VI. EMPLOYEE RESPONSIBILITIES

In general, behavior that detracts from, and impedes, the ability of others to work in a violence-free environment will be viewed as inappropriate. Such behavior will be addressed in accordance with the City's disciplinary rules and regulations, as well as this policy.

Employees are advised that violation of these behavior standards may result in discipline up to, and including, immediate termination of employment. Certain threats or violent acts will result in arrest by law enforcement.

- A. Employees are expected to exhibit workplace behaviors that demonstrate respect for others and professionalism, at all times, during working hours or conducting City business. Unacceptable behavior includes, but is not limited to, the following:
1. Uttering threats of physical violence to anyone.
 2. Engaging in verbal abuse of others.
 3. Physical fighting.
 4. Bringing items intended as weapons (guns, knives, bombs, etc.) to the workplace.
 5. Creating disturbances in the workplace that cause co-workers to be concerned for their safety.
 6. Bullying of employees.

- B. Employees must report all acts of violence, whether physical or verbal, to a supervisor immediately following the incident.
 - 1. Report potential acts or threats of violence by co-workers, outsiders, taxpayers, visitors, to a supervisor (e.g., noticeable changes in a co-worker's or customer's demeanor).
 - 2. Attend workplace safety meetings.
 - 3. Remain aware of the potential for violence in the workplace.
 - 4. Know how to respond appropriately to a potentially violent situation.
- C. Employees should respond appropriately to a potentially violent situation to ensure their safety and the safety of others.
 - 1. Get away from the perpetrator if possible. If you cannot distance yourself from the perpetrator, try to talk him or her into calming down. Immediately call for help when given the first opportunity.
 - 2. Remain calm and relaxed so that the perpetrator does not sense your fear.
 - 3. If you have doubt about your ability to resolve a conflict with a perpetrator, do not engage in the task.
 - 4. Notify Human Resources if you have a domestic violence restraining order.

VII. THREAT ASSESMENT TEAM

A Threat Assessment Team consisting of the Public Safety Liaison Officer, respective department heads and/supervisors and City Manager designees must be assigned to assess the vulnerability to workplace violence and reach agreement on preventive actions to be taken.

- A. The team should also be responsible for:
 - 1. Reviewing previous incidents of violence.
 - 2. Recommending/implementing employee training programs on workplace violence departments, units, job titles, unit activities, time of day, etc.
 - 3. Identifying and instituting a combination of control methods designed to eliminate or minimize the risks of assault incidents. These include, but are not limited to:
 - a. General building, work station and area design, security measures.
 - b. Security equipment.
 - c. Work practice controls and procedures.

4. Conducting incident investigations and evaluations.
5. Implementing plans for responding to acts of violence.
6. Communicating internally with employees.
7. Inspecting the workplace, as well as evaluating the work tasks of employees, to determine the presence of hazards, conditions, operations, and situations which might place workers at risk of occupational assault incidents.

VIII ELEMENTS OF WORKPLACE VIOLENCE

- A. A potentially violent person often displays warning signs.
 1. The person is unusually argumentative and/or uncooperative.
 2. The person displays obvious changes in work patterns, such as tardiness, absenteeism, or poor work performance.
 3. The person demonstrates extreme or bizarre behavior.
 4. The person has a mental illness or substance abuse problem.
- B. A potentially violent person can react to workplace situations.
 1. Layoffs: The loss of one's job is a traumatic event for an employee. Loss of funding, reduction of City services or State mandates can affect continuity of City employment.
 2. Inability to cope: With today's rapidly changing society, some people are unable to cope with the stress of everyday activities, including their jobs.
- C. Workplace security hazards should be identified and corrected (*see Attachment B*).

IX. WEAPONS IN THE WORKPLACE

Employees may not, at any time while on city owned, leased, or controlled property, or while on agency business, possess, store, or use any weapon. However, the City does not prohibit the lawful carrying of a concealed weapon by an employee who is employed as a Public Safety Liaison Officer. This is the only position within the City that is permitted to carry a concealed weapon. The Public Safety Liaison Officer must have a current California Concealed Carry Weapons License (CCWL) and must provide the original license to the Human Resources Department and allow the Department to make and retain a copy for its records. The Public Safety Liaison Officer is not permitted to carry a concealed weapon into city facilities. The Public Safety Liaison Officer is allowed to keep such a weapon in their personal vehicle, as long as the weapon is kept in a locked and secure location in the vehicle. The Public Safety Liaison Officer must comply with California State law regarding concealed carry firearm training.

X. OVERALL TRAINING

All employees, including directors, managers and supervisors, should receive training on general and job-specific workplace security practices. Training should be provided when the Workplace Violence Prevention Policy is initially established and periodically thereafter. Training should also be provided to new employees, employees for whom training has not previously been provided, and to employees given new job assignments for which specific workplace security training has not previously been provided. Additional training will be provided to all City personnel, as deemed necessary. Training should include the following topics:

- A. Explanation of the Workplace Violence Prevention Policy.
- B. Recognition of security hazards, including risk factors associated with the three types of workplace violence conduct (*see Attachment B*).
- C. Violence prevention measures, such as reporting security hazards or threats, to managers or supervisors.
- D. Ways to defuse hostile or threatening situations.
- E. How to summon others for assistance.
- F. Discussion of employee routes of escape.
- G. Notification of law enforcement authorities when a criminal act has occurred.
- H. Post-event trauma counseling for those employees desiring assistance.

XI. INCIDENT INVESTIGATION

- A. An investigation will immediately follow a report of an act or threat of violence. An investigation may include a search of personal and City property, including areas such as desks, lockers, and vehicles. An employee will be given reasonable notice prior to the search. The employee need not be present for the search to begin. The investigation will be conducted by the Department Head and Human Resources and may include law enforcement personnel.
- B. Before conducting an investigation, the investigating officer must be aware of employees' rights in such circumstances. This must be done before interviewing any witnesses or the accused employee.
- C. The investigating officer must document what was said, what was heard, when an alleged threat was made, and when the act of violence took place.

1. Who committed the act or threat of violence and the names of all victims, potential victims, and witnesses?
2. What was said or done (be exact as possible)?
3. When did the incident occur?
4. Where did the incident take place?
5. Why was the act committed (if known, example: "the employee was just evaluated by his supervisor")?
6. Collect written statements from everyone involved. Take photographs of any personal injury or property damage.
7. A written report covering the investigation of the act or threat of violence and a description of the resolution, if any, will be issued by the Human Resources Department to the City Manager. A copy of the report will be kept in a confidential file in Human Resources.

XII. VIOLATION OF THIS POLICY

- A. Reporting of a violent occurrence is mandatory and failure to do so could result in disciplinary actions up to, and including termination.
- B. An employee found in violation of this policy will be provided all due process rights and is subject to discipline up to and including termination. Principles of progressive discipline may be waived in instances of egregious or serious acts by employees.
- C. Violent acts and threats of violence by an employee towards representatives of the city, members of the public, vendors, even if occurring offsite of city property are prohibited. Any threat or act of violence shall be subject to disciplinary action, up to and including termination.

III. REFERENCES

Occupational Safety and Health Act of 1973
California Labor Code Section 6300 et seq.
California Department of Industrial Relations, "Guidelines for Workplace Security"
California Code of Regulations Section 3202
California Workplace Violence Safety Act of 1994

ATTACHMENT A INCIDENT MANAGEMENT TEAM ACTION PLAN

Members include: Assistant City Manager, the City Manager, and the supervisor or manager responsible for the department involved in the incident.

In the event of a workplace violence occurrence, the following steps (immediate and post trauma) should be taken by the Incident Management Team:

IMMEDIATE RESPONSE

1. Assess the seriousness of the situation and call 911 if necessary.
2. Inspect the scene of the incident as soon as possible.
3. Secure the area and deny access to all non-emergency personnel until crime scene personnel arrive to gather evidence.
4. Police will question all victims and witnesses as soon as possible to gather the most accurate information.
5. Police will notify the families of the victim(s) and provide assistance.
6. Determine the direct and indirect causes of the incident. Include all previous reports of inappropriate behavior by the perpetrator(s) and corrective actions taken at that time.
7. Calm witnesses and victims.

POST TRAUMA RESPONSE

1. Provide a professional trauma counselor for employees immediately following a violent occurrence.
2. Arrange transportation for affected employees.
3. Communicate to all City employees and the public that everything is under control via a press conference.
4. Repair inoperable phones.
5. Clean up and repair damaged City property.
6. Provide follow-up training for identifying, preventing, and responding to workplace violence.
7. Designate staff members, preferably from the Human Resources Department, to handle details such as insurance coverage for medical expenses.

**ATTACHMENT B
POTENTIAL WORKPLACE SECURITY HAZARDS
AND CORRECTIVE MEASURES**

Type I: External Act: Events in which the perpetrator has no legitimate relationship to the workplace and enters the workplace to commit a criminal act, like a robbery or another violent act.

Assessment Measures

- Check the workplace exterior and interior for its attractiveness to robbers.
- Assess the need for security surveillance measures, such as mirrors or cameras, to increase employee awareness of workplace surroundings.
- Create procedures for employee response during a robbery or other criminal act.
- Post all emergency telephone numbers for law enforcement, fire, and medical services where employees have access to a telephone.
- Limit the amount of cash on hand and use time access safes for large bills.

Corrective Measures

- Make the workplace unattractive (not worth the effort or too risky) to robbers.
- Use surveillance measures, such as cameras or mirrors, to increase outside and inside security in and around the workplace.
- Enhancing all procedures for reporting suspicious persons or activities.
- Update and post emergency telephone numbers for law enforcement, fire and medical services where employees have ready access to a telephone.
- Post visible signs to notify the public that limited cash is kept on site, if appropriate.

Type II: Service Recipients: An event in which the perpetrator is the recipient of, or the object of, a service provided by the workplace (e.g., contractors, consultants, instructors, temp. workers, vendor).

Assessment Measures

- Easy access to and freedom of movement within and around the workplace.
- Effectiveness of workplace security systems, such as door locks, security windows, and restraint systems.
- Assess employees' skills in effectively handling threatening recipients.
- Effectiveness of City systems and procedures, such as alarms or panic buttons, to warn others of a security danger or to summon assistance.
- The use of work practices, such as "buddy" systems, for specified emergency events.
- The availability of employee escape routes.

Corrective Measures

- Create an open floor plan so that all entrances and exits are easily accessible.
- Ensure adequacy of workplace security systems (e.g., door locks, security windows, and physical barriers).
- Provide all employees with training to handle hostile situations.
- Install effective alarm systems to warn others of security dangers, or to summon assistance, (e.g., alarms or panic buttons).
- Establish a workplace system, such as the "buddy" system, for specified emergency events.
- Ensure adequate availability of escape routes for employees.

Type III: Current/Former Employees: An event in which the perpetrator has an employment interest, such as an employee, employee's spouse, or a person who has a dispute with a specific employee.

Assessment Measures

- How well the City's anti-violence policy has been communicated to employees, supervisors and management.
- The effectiveness of cross communication between and amongst management and employees.
- Our employee's, supervisors', and managers' knowledge of the warning signs of potential workplace violence.
- Access to and freedom of movement within, the workplace by non-City employees, including recently discharged employees or persons with whom a City employee may have a dispute.
- Reports of threats of violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace.
- Ensure that employees adhere to disciplinary and discharge procedures.

Corrective Measures

- Communicate the City's anti-violence policy to all employees, supervisors, and managers.
- Improve management and employee communication lines to freely relay pertinent information.
- Increase the awareness of employees, supervisors and managers of the warning signs of potential workplace.
- Control access to and freedom of movement within, the workplace by non-City employees, including recently discharged employees or persons with whom one of the employees may have a dispute.
- Ensure that reports of violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace are effectively handled by management.
- Ensure that employee disciplinary and discharge procedures address the potential for violence.