

Administrative Policy 3-6-3

DISTRIBUTION: City Manager, All Departments, All Employees

SUBJECT: **Violence in the Workplace**

PURPOSE: The City of Muskogee seeks to provide a work environment that minimizes workplace violence or other security risks. Violence in the workplace poses a threat to the safety of employees and the public and affects productivity. All employees are responsible for minimizing workplace violence as the City of Muskogee does not tolerate any type of workplace violence committed by or against others. This policy establishes procedures that minimize the threat of violence in the workplace, and provides guidelines for responding promptly and effectively to workplace violence.

BACKGROUND: The City of Muskogee will not allow verbal intimidation or physical threats by employees who suggest, in a serious manner, they may harm or injure a co-worker, manager, supervisor, or a member of the general public. Common sense must be used by supervisors and employees to determine whether a statement or action actually involves a serious threat. All serious threats shall be considered as potentially dangerous and shall be reported by employees and/or supervisory personnel through the proper channels.

POLICY/

PROCEDURES: **Violence in the Workplace**

A. Prohibited Conduct

1. The City of Muskogee does not tolerate any type of workplace violence committed by or against others. Employees are prohibited from making threats or engaging in violent activities toward each other, or members of the public.
2. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:
 - a. causing physical injury to another person, including assault and/or battery;
 - b. making threatening remarks;
 - c. intimidating or frightening others through words or conduct;
 - d. harassing, stalking, or showing undue and unwanted focus on another person;
 - e. aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional turmoil;
 - f. intentionally damaging City of Muskogee real or personal property or the real or personal property of another person;
 - g. possession of a weapon, on the person, while on City property or while on City business;

- h. verbal abuse including offensive, profane and vulgar language directed toward a person or group of persons;
- i. committing acts motivated by, or related to, sexual harassment or domestic violence.

B. Definitions

- 1. Assault—the unjustifiable attempt to touch another person or the threat to do so in such circumstances as to cause another individual to reasonably believe that the threat will be carried out.
- 2. Appropriate Personnel—means any exempt level supervisor, assistant department head or department head within the City of Muskogee.
- 3. Battery—the unlawful touching of another individual or the carrying out of threatened physical harm. It includes, but is not limited to, any angry, violent, or negligent touching or another person to commit injury.
- 4. Workplace Violence—Any intentional act that inflicts, attempts to inflict, or threatens to inflict bodily hurt on another person or that inflicts, attempts to inflict, or threatens to inflict, damage to real or personal property, whether committed by a City employee or by anyone else and which occurs in a City workplace, at a City worksite location or while an employee is engaged in City business.
- 5. Workplace—All City property and any other locations where City employees are performing their work.
- 6. Defensive Action—An act which allows force on force to be used to defend one's person.
- 7. Force-on-Force—The action of defending one's person by administering the same force as faced with i.e. someone is pushed, the force-on-force may only be a push back.

C. Roles and Responsibilities

- 1. Employees (including Managers and Supervisors) are responsible for:
 - a. their own behavior by interacting responsibly with fellow employees, supervisors, and the public;
 - b. being familiar with City policy regarding workplace violence;
 - c. promptly reporting actual and/or potential acts of violence to the appropriate personnel and/or law enforcement personnel;
 - d. cooperating fully in investigations of allegations of workplace violence;

- e. being familiar with the services provided by the Employee Assistance Program; and
 - f. informing appropriate personnel about restraining or protective orders related to domestic situations so that assistance can be offered at the workplace.
2. Managers and Supervisors are additionally responsible for:
- a. informing employees of the City's workplace violence policy and program;
 - b. taking all reported incidents of workplace violence seriously;
 - c. investigating all acts of violence, threats, and similar disruptive behavior in a timely fashion (reasonably estimated within 2 business days) and taking the necessary action(s);
 - d. providing feedback to employees regarding the outcome of their reports regarding violent or potentially violent incidents;
 - e. being cognizant of situations that have the potential to produce violent behavior and promptly addressing them with all concerned parties; and
 - f. assuring, where needed, that employees have the time and opportunity to attend training such as conflict resolution, stress management, etc.
3. Human Resources is responsible for:
- a. assisting in assessing and investigating allegations of workplace violence raised by employees, supervisors, and/or managers, as requested;
 - b. providing technical expertise and consultation to help supervisors determine what course of administrative action is most appropriate in specific situations;
 - c. providing advice and counsel regarding personnel rules and regulations; and
 - d. offering training courses to assist employees in dealing with situations which may lead to potential violence, such as conflict resolution, stress management, etc.

D. Reporting Procedures

1. Immediately after hearing what is reasonably believed to be a serious threat or being informed of such a threat, the employee shall report the threat to a member of management (superintendent, assistant department head or department head level).
2. Management will immediately report the threat to the Human Resources Department.
3. While employees are not expected to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their exempt supervisor, or the Human Resources Department, if any employee exhibits behavior which could be a sign of potentially dangerous situations, including:

- a. Discussing weapons or bringing them to the workplace;
- b. Displaying overt signs of extreme stress, resentment, hostility, or anger;
- c. Making threatening remarks;
- d. Sudden or significant deterioration of performance;
- e. Displaying irrational or inappropriate behavior.

E. Investigation

1. After the threat has been reported to management and Human Resources, managers should immediately obtain written reports from the victim(s) and/or persons who witnessed the threatening behavior. The investigation will be conducted by the applicable Department Head or the Human Resources Director, or designee, after the initial situation has been discussed with the Human Resources Director.
2. If the victim wishes, a threat report should be filed with the Muskogee Police Department regarding the incident.
3. If a police report has been filed, a manager shall verbally inform the employee who made the threat that a Police Report has been filed.
4. The appropriate Department Head shall notify the employee(s) he/she is being placed on paid administrative leave pending review of the incident.
4. If the threat incident is reasonably substantiated after the investigation, the appropriate manager shall initiate a pre-termination hearing process to determine the appropriate action.

F. Dangerous/Emergency Situations

1. Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual, whether the armed or dangerous person is an employee or a citizen.
2. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given.
3. A report of confrontation with an armed or dangerous person shall be reported to the Muskogee Police Department as soon as the employee is out of harm's way.
4. If an employee is confronted by an employee with a physical threat, which leaves no reasonable alternative means of escaping the situation, the only acceptable

defensive action is force-on-force, and to immediately report the same to an exempt supervisor.

G. Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on the City's premises will be reported to the proper authority for proper prosecution.

H. Retaliation

Any form of retaliation against employees who report threatening or violent behavior, or who participate in internal or external investigations of threats or violence is strictly prohibited, and shall be grounds for disciplinary action, up to and including termination. All employees are strongly urged to report all instances of retaliation to an immediate exempt supervisor, the Human Resources Director, City Attorney or City Manager. No person will be adversely affected in employment with the City as a result of reporting complaints of threatening or violent behavior.

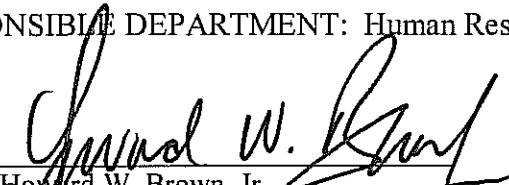
I. Dissemination

All employees, including new employees, shall acknowledge in writing, receipt of this policy, an acknowledgement that the employee understands the policy and an agreement that the employee will utilize the complaint procedures contained in the policy, if the need arises.

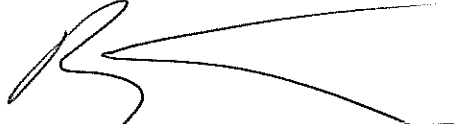
EFFECTIVE DATE: April 1, 2014

RESCISSION: This policy rescinds and supersedes all prior policies in conflict herewith

RESPONSIBLE DEPARTMENT: Human Resources


Howard W. Brown, Jr.
3.11.14
Date

APPROVED as to form and legality this 11 day of MARCH, 2014.



Roy D. Tucker, City Attorney