

OTAY WATER DISTRICT
BOARD OF DIRECTORS POLICY

Subject	Policy Number	Date Adopted	Date Revised
ZERO TOLERANCE FOR VIOLENCE IN THE WORKPLACE	38	11/07/01	

I. Purpose

Otay Water District recognizes that workplace violence has become a serious problem that affects job performance. Homicides in the workplace account for the second largest number of employee work related deaths.

The District is required under California law to maintain a safe and healthful place of employment for its employees. Each employee has a responsibility to perform work for the public in a safe, effective and efficient manner. The District will strive to eliminate acts of violence, aggression and threatening behaviors in the workplace and promote respect for all persons. In consideration of the health and safety of others, this policy establishes a "zero-tolerance" position towards threats or acts of violence in the workplace.

The District promotes the concept of mutual respect for all persons. Violence, acts of aggression, sexual harassment, discrimination and threatening behaviors do not flourish in environments where people respect each other.

It is the purpose of the Workplace Security and Anti-Violence Policy of Otay Water District to establish guidelines to prohibit:

- ♦ Violence
- ♦ Acts of aggression
- ♦ Threatening behaviors against all employees at the workplace
- ♦ To provide information to all employees regarding violence in the workplace
- ♦ To establish a procedure for reporting acts of aggression and violence
- ♦ To standardize a procedure for dealing with an act of aggression and violence
- ♦ To promote a workplace free of acts of aggression and violence

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II. Policy

Otay Water District is committed to creating and maintaining a work environment free of any and all types of violence and acts of aggression. The District recognizes that issues related to violence in the workplace are enforced by 3203 of the CAL-OSHA General Industry Safety Orders.

The District will not tolerate violence in the workplace and will take preventive, corrective and/or disciplinary action (including criminal prosecution) against any individual that violates this policy.

Zero-Tolerance Standard - The District establishes a zero-tolerance for aggressive behavior or acts of violence in the workplace. Incidents of violence, whether implied or actual, will not be tolerated by any person under any circumstance. There is no excuse for any type of violent behavior.

All comments and actions of a violent nature will be taken seriously and will not be tolerated. While all individuals have the right to self-expression, expressions of violence or potential violence are strictly prohibited.

This policy applies to all persons involved in the District's operation including, but not limited to: full-time, part-time, vendors and contractors, temporary and volunteer employees of Otay Water District and anyone else visiting District property or job sites. It includes all work areas where an employee is assigned to perform a job function and/or where the employee is representing or perceived to be representing the District.

Dissemination of Policy to Employees - Information about the prohibition of threats or incidents of violence will be provided to all full-time, part-time and temporary employees at their time of hire, and periodically thereafter through a communication method determined by the General Manager. In addition, copies of the policy and/or notices will be generated to inform contractors, vendors, volunteers and anyone else visiting District property, of the prohibition against threats or incidents of violence in the workplace.

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III. Definitions

Definitions of Threats or Acts of Violence - All direct or implied expressions of an intent to inflict physical harm and/or actions that a reasonable person would perceive as possibly detrimental to their physical safety or property will be considered as a threat. Acts of violence include conduct against individuals or property that is sufficiently offensive, severe or coercive to alter the District's employment conditions or which creates a hostile, abusive or intimidating work environment for one or more District employees. All threats or acts of violence will be taken seriously and immediately acted upon. While not inclusive, the following are examples of behaviors that are strictly prohibited under this policy:

- A. Threats or acts of physical force and/or assault, such as pushing, shoving, slapping, hitting, punching or striking.
- B. Threatening conduct, such as menacing gestures, stalking, brandishing weapons, tools or equipment, as if intending to cause physical harm.
- C. Possession of firearms, weapons or any dangerous devices on District property or District job site. Recreational firearms shall not be transported in employee's vehicle on District premises.
- D. Inappropriate use of tools or equipment on District property or District job sites.
- E. Verbal or written harassment designed to intimidate or instill fear in others, including cursing, harassing phone calls, faxes, letters, memos and electronic communication.
- F. Verbal or written harassment devised to provoke a loss of emotional control in others, such as taunting or demeaning statements, gestures or sounds.
- G. Direct or veiled verbal threats of physical harm to individuals, their family members, friends, associates, personal property or District property.
- H. Threatening verbal or written jokes about acts of violence.
- I. A self-prediction of loss of control.
- J. Yelling or profanity that a reasonable person would consider to be intimidating or demeaning.

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Examples of Workplace Violence - General situations of prohibited violent conduct include, but are not limited to, the following:

- A. Threats or acts of violence not occurring on District property, but involving someone who is acting within the course and scope of District employment and volunteer service.
- B. Threats or acts of violence occurring on District property, regardless of the relationship between the District and the parties involved in the incident.
- C. Threats or acts of violence not occurring on District property involving an employee of the District if the threats or acts of violence adversely impact the District's best interests.

IV. Procedure

Employee Responsibilities

All employees must comply with the provisions of this policy. Any violation of this policy by a District employee shall result in immediate disciplinary action, which may include referral to the Employee Assistance Program, written notice, days off or any other discipline up to and including termination. All oral and/or written reports required by employees under this policy shall be done without fear of reprisal and, to the extent possible, on a confidential basis.

- A. Employees shall immediately report customers' actions, or citizen contacts of threatening behavior, to their supervisor, and when appropriate to the Police Department.
- B. Employees shall immediately report to the appropriate supervisor, Assistant Chief or Human Resources Manager any incident of threat or physical harm directed at them, or a co-worker, by another employee, supervisor, or customer.
- C. Employees are responsible for reporting to their supervisor when they have a restraining order against someone. Employees will further furnish to their supervisor, identifying information of the person and information on types of vehicles driven by a party whom the restraining order against persons who are harassing, threatening or stalking employees. The supervisor will notify Human Resources.

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- D. The employee will furnish a copy of the restraining order to the Police Department. If available, a photograph is very helpful in identifying the person whom the restraining order is for.
- E. Employees are to report a bomb threat immediately to their supervisor.
- F. Employees must report threatening behaviors from fellow employees to their supervisor, Assistant Chief, or Human Resources. When necessary these reports may be made confidentially.

Incidents Involving Members of the Public - This policy recognizes that employee security applies not only to co-workers' interactions, but also to associations with members of the public, including relatives and friends of employees. Employees are reminded to use caution when dealing with any angry or intimidating member of the public. If unsuccessful in getting the person to calm down, the employee should refer the individual to his or immediate supervisor or Assistant Chief. It may be necessary to remove all employees from the potential risk and notify the Police Department via **9-911**.

The immediate supervisor and/or Assistant Chief will determine how to handle future business transactions with an angry or intimidating individual. Furthermore, if appropriate, legal action may be taken against any member of the public who violates employee security in any fashion.

Supervisory and Management Responsibilities:

- A. It is the duty of all managers and supervisors to carry out the enforcement of this policy and to investigate all complaints of violations of this policy.
- B. Managers and supervisors shall take complaints of an employee's threatening behavior seriously. At times it may be necessary to keep confidential the name of the person who has reported a threatening behavior of a citizen or employee.
- C. In cases of restraining orders, managers and supervisors will advise the Assistant Chief and, when appropriate, the Police Department will be notified to provide added protection for all employees. Managers and supervisors have a responsibility to provide added protection, as deemed appropriate, for all employees.

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- D. Managers and supervisors have a responsibility to follow the procedure for dealing with a bomb threat and report it immediately to their Assistant Chief.
- E. Managers and supervisors have the responsibility to encourage or formally refer employees to use the EAP when deteriorating or unsatisfactory job performance does not improve with usual supervisory action. A supervisor should not attempt to diagnose an employee's problem. The supervisor's role is to monitor job performance.
- F. Managers and supervisors have a responsibility to promote respect among all employees.
- G. Managers and supervisors have a responsibility to discipline all employees who bring unauthorized weapons on any District job site.
- H. Managers and supervisors have a responsibility to solicit employee perceptions of unsafe conditions or situations.

Conducting an Investigation - All alleged threats and incidents of violence will be investigated in a prompt, thorough, impartial and confidential matter. The General Manager will designate the applicable Assistant Chief, Human Resources Manager, other management employee or an outside investigator as the assigned investigator of the alleged incident. The "Threat/Incident Investigation Report" form will be used in conducting the investigation. The investigation will provide written notice to the accused employee of the reported allegation(s) in a manner that allows for the documentation of receipt. The notice will state the following:

- A. The basis for the allegation(s), including the date that the incident allegedly occurred.
- B. The ability to review the materials upon which the allegation(s) is based.
- C. Information concerning the employee's right to respond to the allegation(s), orally or in writing, within five (5) working days.

Within five (5) working days after the receipt of the notice, the accused employee may request a meeting with the investigator to respond to the allegation(s). The accused employee may utilize this opportunity to present his or her side in response to the allegation(s). When appropriate, the employee accused of the threat or incident of violence may be placed on temporary administrative leave and removed from the workplace pending completion of the investigation.

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If the alleged incident is substantiated, appropriate disciplinary action will be taken, up to and including termination. In addition, any legal action may be taken, as appropriate, against employees or members of the public in verified threats or incidents of violence. If discipline is warranted the employee will be notified with written notice, the proposed action, reasons, effective date, etc., the employee will also be advised of the right to review or appeal any disciplinary action taken.

Employees who retaliate against any person who has reported an alleged threat or incident of violence, regardless of whether the retaliation takes place on District property or District time, will be subject to disciplinary action up to and including termination.

Employees who falsely accuse a person of a threat or incident of violence, which is proven to be malicious and intentional, will be subject to disciplinary action, up to and including termination.

Human Resources will indefinitely maintain all files and records relating to reports of all incidents of violence.

Assessing the Seriousness of an Incident - Once the threat or act of violence has been verified, a preliminary assessment of the seriousness of the incident shall be made in order to respond to the complainant and the accused. Other actions that may be taken to fully develop an assessment of the seriousness of a threat or act of violence are:

- A. Review the accused's personnel records for previously documented threats or acts of violence, work performance issues, disciplinary actions, related medical conditions, financial problems and/or other related items.
- B. Interview the supervisor, Assistant Chief and/or co-workers of the accused.
- C. As deemed appropriate, notify law enforcement personnel.
- D. Obtain, as required, the expertise of specialists such as psychiatrists or psychologists.
- E. Determine if there has been a history of similar incidents to other employees.

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If one or more of these actions are taken, the General Manager shall use discretion in determining who shall have access to an employee's records and will limit the number based on a strict "need-to-know" basis depending upon the specific situation. Such decision makers might include the General Manager, the General Counsel, the Human Resources Manager, the Assistant Chief as well as others the General Manager might identify as needing the information to protect other employees, the public and the District.

The records will be kept in a separate locked file under the direct control of the Human Resources Division and will not be made a part of employee's personnel file except when disciplinary action results from an investigation of the incident. When disciplinary action is taken, any disciplinary notices and supporting materials regarding the disciplinary action will be placed in the employee's personnel file. Reports maintained in the File will not be available for review or examination except upon the approval of the Assistant Chief of Administrative Services or the Human Resources Manager. Reports of violence will only be reviewed to determine risk or assess complaints of a threat concerning an employee of the District. Disciplinary action will be consistent with current District policy.

Assessing the Seriousness of a Potential Threat - Whenever a supervisor or manager learns of a potential threat, it is that person's responsibility to alert their Assistant Chief and Human Resources Manager and assess the seriousness of the threat. Examples of potential threats include but are not limited to the following:

- A. An employee tells you that they are breaking up with a significant other and the significant other has threatened to kill them if they catch them with someone else.
- B. A customer, over the phone, threatens to slash the tires of an employee's vehicle unless they receive satisfaction.
- C. An employee comes to you and relates concern of a co-worker's recent state of mind or apparent depression, which has affected the co-worker's productivity and/or attitude at work.

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Employee Assistance Program - The District recognizes that employees may from time to time experience difficulties related to their work, relationships with co-workers, supervisors, Assistant Chiefs or members of the public. Employees are reminded that the District has a well-established voluntary and confidential Employee Assistance Program (EAP) to assist employees and their families who seek help for problems causing added stress to their lives. Employees who are concerned about added stress are strongly encouraged to voluntarily seek assistance through this program. An employee may schedule an appointment with the EAP on District release time with the approval of the supervisor. If an employee requires leave time for additional visits or continuing treatment, he/she must follow established sick leave procedures.

The EAP provides counseling sessions at no cost to the employee. If further treatment is needed, the EAP will refer the employee to the appropriate resource. Most health insurance contains some type of coverage for treatment; however, the employee assumes the financial responsibility for all services that are not covered by the EAP or health insurance.

Supervisors should encourage employees to use the EAP when deteriorating or unsatisfactory job performance does not respond to usual supervisory actions or when a specific on the job incident does not respond to usual supervisory actions or when a specific on the job incident is cause for concern. While the District will be supportive of those who seek help voluntarily, the District will be equally firm in identifying and disciplining those who continue to violate this policy.

All Other Communication - The General Manager will determine the method of communicating specific information about the threat or incident of violence to employees and the news media. In the event of an incident, every effort will be taken to provide employees in the effected area with information that will minimize the stress and/or the anxiety associated with the incident, including on-site post-incident debriefing and/or referral to the District's Employee Assistance Program.