

ADMINISTRATIVE ORDER NO. 70

Repealed By

88

An Administrative Order creating the following Human Resources Policy for the City of Billings: Workplace Violence dated November 2002.

Dated this 2nd day of December, 2002



DENNIS M. TAYLOR
CITY ADMINISTRATOR

Workplace Violence

This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.

Purpose

The City's goal is to maintain a safe and secure environment for its citizens and employees. The safety and security of City employees is critical. Threats, threatening behavior, acts of violence, or any related conduct, which disrupts an employee's work performance or the City's ability to perform services, will not be tolerated. The City of Billings recognizes that family violence, violence at work, and any other violence can affect an employee's work performance.

Policy

Definition

Violence is defined as the use of physical force, harassment or intimidation, or the abuse of power or authority.

- Acts of violence include the use of weapons of any kind and any unwanted physical attack such as hitting, pushing or throwing objects.
- Threats of violence include any expression (speech, conduct, writing, etc.) designed to frighten, terrorize, or otherwise place a person in fear of bodily injury.

Specific examples of prohibited conduct:

- Hitting or shoving an individual.
- Intentionally harming or threatening to harm an individual or his/her family, friends, associates, or their property through physical means. Threats to harm others if certain events do or do not transpire, as well as threats to immediately and unconditionally harm others
- Intentionally destroying or threatening to destroy property owned, operated or controlled by the City of Billings.
- Making harassing or threatening telephone calls; sending harassing or threatening letters or other forms of written or electronic communications.
- Harassing surveillance, also known as "stalking": the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety.

- Carrying or having weapons on City property (except law enforcement personnel in the line of duty). A weapon is defined as any device that may be used to inflict bodily harm. Examples include but are not limited to: guns, knives, clubs, bombs or any other items designed to inflict injury. (See Weapons policy.)

The City of Billings is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises during the investigation period and will be subject to corrective action that may include termination of employment.

Procedure

The impact of violence, whether it occurs on or off the job, is to control a person by causing pain or fear of pain to the victim or their family, friends, associates, or their property through physical means. The City acknowledges that human relationships are subject to conflict and that some employees are exposed to violence by the nature of their jobs. The City intends to take positive steps to:

1. Minimize the potential for violence in and around the workplace.
2. Reduce the negative consequences for those employees who experience or encounter violence in their personal or work lives.
3. Foster a work environment of mutual respect and healthy resolution of conflicts.

Employees are prohibited from engaging in any act -- either on City premises or during the performance of work-related duties -- that threatens the safety, health, life or well being of an employee and/or a customer. Such acts include, but are not limited to:

- threatening, intimidating, coercing, harassing or assaulting an employee or customer
- sexually harassing an employee or customer
- carrying weapons on City property or possessing a weapon on City property (except law enforcement personnel in the line of duty)
- allowing unauthorized persons access to non-public areas of City property without management permission

- using, duplicating or possessing keys to City property without authorization
- stealing, or attempting to steal, property of the City, an employee or a customer

Responsibilities and procedures promulgated in this policy are intended to ensure that:

- proactive measures are taken to foster an atmosphere of courtesy, dignity and respect among employees and between employees and citizens
- situations conducive to workplace violence are identified and reasonable steps taken to minimize risk to employees and citizens
- acts of violence involving employees are reported and investigated
- employees who experience violence in the workplace have avenues for resolution and support

Responsibilities

All employees share in the responsibility to minimize the occurrence and effects of violence. The following responsibilities are minimum guidelines to establish accountability for preventing and dealing with workplace violence:

Department Heads, Division Superintendents, Managers

1. Ensure that the workplace provides for the physical security of employees to minimize the risk of serious injury or death.
2. Establish policies and procedures as necessary to minimize and resolve conflict between employees and customers.
3. Establish training requirements for employees designed to prevent and respond to incidents of workplace violence.
4. Participate, as appropriate, in resolution of employee grievances and investigations of reported threats or other incidents of workplace violence.

Supervisors

1. Monitor workplace security, customer relations and employee behavior to identify conditions that present significant risk of workplace violence.
2. Enforce City and Department policies and procedures intended to minimize and respond to incidents of workplace violence.
3. Ensure and encourage employee participation in City and Department workplace violence training programs.
4. Facilitate conflict resolution without violence in the workplace. Encourage employee participation in Employee Assistance Programs, as appropriate, to manage personal situations that may lead to violence.

All Employees

1. Treat all employees, customers, vendors and all other persons with courtesy, dignity and respect at all times on City premises and during the performance of work-related duties.
2. Report threats and acts of violence experienced or witnessed on City premises to the supervisor and/or to Human Resources. Report other violent conditions, as appropriate, that may affect the workplace, such as restraint orders and domestic threats.
3. Participate in City and Department workplace violence training.
4. Report conditions and behaviors conducive to workplace violence to the supervisor and/or the Human Resources Director.

Human Resources

1. Ensure that training on this policy is available to all employees.
2. Assist department heads, as necessary, in providing training for employees designed to prevent and respond to incidents of workplace violence.
3. Investigate reports of assault, threats, harassment or other violence. Convene a Threat Assessment Team as appropriate.
4. Provide employee assistance to victims of violence.

Courtesy and Respect for Others

All City employees and all citizens deserve to be treated with dignity and respect. Courteous and respectful treatment is the single best way to avoid incidents of violence in the workplace. (See Mutual Respect and Sexual Harassment policy)

Dealing with Tense or Violent Situations

The primary objective in any potentially violent situation is to protect yourself from harm. Use de-escalation techniques when you can and withdraw if de-escalation doesn't work. Do not use force unless (1) you are a sworn police officer acting within the scope of your duties or (2) you are attacked by another individual and cannot escape. Following are examples of de-escalation techniques:

If you encounter extreme anger or rage:

- remain calm
- give the individual ample space
- ensure that you have an escape route
- try to keep a barrier between you and the individual
- maintain direct eye contact when speaking
- speak clearly and slowly
- don't talk with your hands
- don't argue or raise your voice
- get assistance, if necessary
- use a pre-arranged code word to warn others, if you have one

If you are confronted or attacked by an individual:

- give them any valuables they ask for
- if you are attacked:
 - ◆ make as much noise as possible
 - ◆ strike out at vital areas such as eyes, throat, shins, groin
 - ◆ escape as quickly as possible
- if the individual has a gun or other weapon:

- ◆ try to remain calm
- ◆ don't try to be a hero
- ◆ do not act in a confrontational manner
- ◆ speak slowly and clearly
- ◆ follow the perpetrator's instructions exactly, within reason

- after a violent incident:
 - ◆ try not to touch anything
 - ◆ notify your supervisor or the police as soon as possible
 - ◆ in the event of rape, do not wash or change clothes until questioned by police and examined by a medical professional

Reporting and Investigation

Acts of violence by a co-worker must be reported to the supervisory chain, the Department Head, and Human Resources as soon as possible in order to ensure that incidents are investigated and appropriate action is taken. Any employee (including a supervisor or manager) must complete a "Report of Workplace Violence" if they are:

- threatened by another employee
- a victim of a violent act by another employee
- aware of work-related threats or violent acts by another employee

Each report will be promptly evaluated and investigated.

Report acts of violence by customers or citizens and situations or locations to your supervisor. The supervisor will investigate, involving law enforcement and Human Resources as appropriate, and take necessary action to minimize the potential for violence.

Confidentiality

Information about an incident or threat will be disclosed on a need-to-know basis only, so that a fair and thorough investigation can be conducted and appropriate action can be taken. The City will take appropriate measures to ensure the safety and privacy of the individuals involved to the fullest extent of the law.

Discipline

An employee who engages in prohibited conduct will be subject to appropriate disciplinary action as determined by the findings of the investigation (see Corrective Action policy). In addition, certain actions may cause the employee to be held legally liable under state or federal law.

Retaliation

Episodes of workplace violence can be eliminated only if employees are willing and able to report threats, violent acts and other unsafe conditions. The City of Billings encourages employees to come forward with such reports and promises to promptly investigate all complaints of retaliation and impose appropriate disciplinary action, up to and including termination.

Training and Awareness

The City of Billings will provide workplace violence training for all of its employees, including supervisors and managers. These sessions will explain the City's policy on workplace violence, as well as procedures for reporting and investigating threats, violent acts, and unsafe workplace conditions. In addition, employees will be informed of their responsibilities and of the measures they can take to protect themselves and their co-workers from episodes of workplace violence.

The City will make other training available to foster an environment of courtesy, dignity and respect for all persons. Examples of such training include diversity awareness, customer relations, conflict resolution, communication skills, stress management, mutual respect, and handling threats. Participation in Employee Assistance Programs is encouraged for employees who would benefit from individual support.

Last Updated: November 2002

Next Scheduled Review: November 2003

CITY OF BILLINGS
REPORT OF WORKPLACE VIOLENCE
(Submit to Human Resources)

Name: _____ Job Title: _____

Job Title: _____

Department: _____ Supervisor: _____

Supervisor: _____

STATEMENT:

Name(s) of Witnesses:

Description of Incident: (Describe in your own words the actions of all involved - attach additional pages if necessary)

I understand that Human Resources will conduct an investigation of my report. A report of workplace violence, its investigation, the outcome of the investigation and any action taken relating to a specific employee is confidential. Dissemination of confidential information shall be limited to persons with a need to know in order to conduct an investigation and take appropriate corrective action.

I hereby authorize dissemination of information regarding this report to other persons with a need to know.

I acknowledge that I have read and understand the above statements and certify that all information I have provided is true to the best of my knowledge.

Employee Signature: _____ Date: _____ Time: _____

Submitted to: _____ Date: _____ Time: _____

November 2002

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