

Staff Report

for the Regular Meeting of the Board of Directors, January 11, 2017

TO: Board of Directors

FROM: Jana Kolakowski, Human Resources Manager

DATE: January 3, 2017

SUBJECT: Policy - Workplace Security and Prohibition Against Weapons

HUMAN RESOURCES

RECOMMENDATION:

Adopt Resolution No. 2017-02 (Establish Administrative Policy, Workplace Security and Prohibition Against Weapons), as recommended by the Administrative Practices Committee.

BACKGROUND:

Staff has reviewed and updated “Board Policy 2220 - Workplace Security and Prohibition Against Weapons” with support of outside counsel and after meeting and conferring with AFSCME. The Administrative Practices Committee approved the Policy to be forwarded to the Board’s Consent Agenda.

BUDGETARY IMPACT:

None.

Attachments (1):

- Nevada Irrigation District Board Policy Manual, Workplace Security and Prohibition Against Weapons – Policy 2200

Nevada Irrigation District

POLICY MANUAL

POLICY TITLE: Workplace Security and Prohibition Against Weapons
POLICY NUMBER: 2200

2200.1 Policy. The District is committed to providing a safe, violence-free workplace and strictly prohibits employees, consultants, visitors or anyone else on District premises or engaged in a District-related activity, from behaving in a violent or threatening manner. As part of this policy, the District seeks to prevent violence in the workplace before it occurs and reserves the right to deal with behavior that suggests a propensity towards violence prior to any actual act of violence.

The District maintains zero tolerance for any intimidating behavior, bullying or acts or threats of violence in the workplace or while on District business. Any violation of this policy will lead to disciplinary action, up to and including termination.

The District believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs and has established procedures for responding to any situation that presents the possibility of violence. In an emergency situation, a call must be made to the local police or sheriff's department immediately.

2200.2 Definitions.

2200.2.1 Assault: To attack someone physically or verbally, causing bodily or emotional injury, pain and/or distress. This may or may not involve the use of a weapon and includes actions such as striking, hitting, punching, pushing, poking, kicking, grabbing, or pinching another person.

2200.2.2 Bullying: Unreasonable behavior that generally is persistent, and that demeans, intimidates and humiliates one or more employees or a member of the public. Bullying can take many forms and includes, but is not limited to: slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as the butt of jokes, verbal assault, making non-verbal gestures, and socially or physically excluding or disregarding a person in work-related activities. Such conduct can also occur via use of electronic or telephone communications, such as the internet, email, blogs, text messages or misuse of cameras and/or recording equipment.

2200.2.3 Intimidating Behavior: Threats or other conduct that is intended to or can reasonably result in causing others to be afraid for their safety. Intimidation includes forcing a person into or deterring a person from taking some action by inducing concerns for the person's safety by means by any physical action, gesture and/or verbal comment.

2200.2.4 Prohibited Weapon: A prohibited weapon includes:

- Any loaded or unloaded firearm, even if the person has a valid permit for a concealed weapon
- Any dangerous weapon such as a switchblade knife, club or metal knuckles.
- All knives with a fixed or fixable blade exceeding four (4) inches.
- BB or pellet guns; CO2, spring action or paint guns.
- Laser guns, stun guns, tasers, or unauthorized tear gas weapons, except that pepper spray, mace and similar small spray devices may be possessed for self-defense pursuant to Penal Code section 22810.
- Any "generally prohibited weapon" as defined by Penal Code section 16590.

2200.2.5 Threat. Any action (verbal, written or physical) that could be interpreted by a reasonable person as conveying intent to cause harm to a person or property. This includes threats that are made in jest but which others could perceive as serious.

2200.2.6 Violence: An action of aggression, whether verbal, written or physical, that is intended to control, cause or is capable of causing injury to oneself or another, emotional harm or damage to property.

2200.2.7 Workplace: Anywhere a District employee is conducting authorized District business, including but not limited to, vehicles en route to and from a location where District business is, will be, or has been conducted; all District-owned buildings, properties, garages and parking facilities; and any work space occupied by District employees, whether or not the space is owned or leased by the District.

2200.3 Prohibited Behavior.

All employees, officials, officers, volunteers and District contractors are required to treat each other and customers with dignity and respect in the performance of job duties. To that end, all employees, officials, officers, members of the public on District property, volunteers and District contractors are prohibited from engaging in any of the following conduct in the workplace:

1. Assaulting or threatening another person;
2. Engaging in violence or making threats of violence directed at another person;
3. Engaging in intimidating behavior directed at another person;
4. Engaging in bullying of another person;
5. Intentionally damaging District property or the property of another;
6. Threatening to damage District property or the property of another;
7. Throwing or kicking objects;
8. Fighting or challenging another person to a fight;
9. Being in possession of a prohibited weapon at any District workplace or in connection with the conduct of District business without regard to location, except that this prohibition shall not apply to any law enforcement officer or other District employee who is required to carry one or more prohibited weapons in order to perform the duties of his or her position, so long as the prohibited weapon is only used as authorized and in the performance of the employee's official duties.
10. Violating any law related to carrying a legal self-defense weapon.

2200.4 Procedures for Responding to Acts of Workplace Violence. If an employee observes or becomes aware of any of the above-listed actions or behaviors by an employee, consultant, visitor, or anyone else employed to perform work for the District, a supervisor must be notified immediately. In the event of an emergency, the employee or Supervisor shall call 911 immediately. In the event of a non-emergency, Supervisors should report all potential violent events or other suspicious behaviors to the Department Manager, Assistant General Manager, General Manager or the Human Resources Manager.

Employees responding to an actual or potential act of violence should do their best to remain calm and not escalate the situation. Employees should not try to shout down the other person or make any aggressive moves towards the other person. Employees should not use defensive sprays or defensive weapons or take any action that may result in injury to themselves or others.

2200.5 Investigations. Upon receipt of a report of a potential violation of this Policy, the Human Resources Department shall immediately undertake or direct an investigation into the allegations at issue. If the report alleges a violation by a member of the Human Resources Department, the District's General Manager or designee shall undertake or direct the investigation. If necessary, the services of private attorneys, consultants, investigators or other specialists may be retained to conduct and/or assist with any investigation. The investigation will typically include, but not limited to, interviews with the reporting individual, the accused, and any other individuals who are believed to have relevant knowledge concerning the allegations. All witnesses will be admonished that retaliation against those who participate in the investigation process is prohibited.

Any employee determined to have violated this Policy will be subject to appropriate disciplinary action, up to and including termination. Disciplinary action may also be taken against any manager or supervisor who condones or ignores a potential violation of this Policy or otherwise fails to take appropriate action to enforce this Policy. Any contractor or vendor found to be responsible for violating this Policy will be subject to appropriate sanctions.

2200.6 Protective and Restraining Orders. The District reserves the right to seek a "stay away" or restraining order against any person who violates this Policy to the fullest extent allowed by law. The District may also seek restraining orders against individuals who are not District employees who pose a threat to District employees or others conducting business on District property.

Employees must notify their Supervisor and the Human Resources Manager if a restraining order preventing contact with them is in effect. Additionally, the employee must inform their Supervisor and the Human Resources Manager if a potentially violent non-work related situation exists that could result in violence in the workplace, regardless if it involves the employee directly or not.

Employees who have previously sought a restraining order against an individual and/or are protected by an existing order, must provide to their supervisor and the Human Resources Department: (1) a copy of the petition or application and declarations used to seek the order; (2) a copy of any temporary protective or restraining order which is granted; and (3) a copy of any protective or restraining order which is made permanent. Employees should inform the Human Resources Department of any violations or attempted violations of this order and any changes to the order. Employees must also inform the Human Resources Department when the order is lifted.

- 2200.7 **Searches**. The District may need to conduct inspections to the extent allowed by law, for purposes of enforcing this Policy. The District will ensure two employees are available if it is necessary to perform an inspection or search. These employees will be the supervisor of the employee or his/her appointee and the Human Resources Manager, Safety Analyst or a designated Management Staff member. The discovery of any violation of this Policy during a search will result in disciplinary actions, up to and including termination. The discovery of any violation of any other District policy as a result of a search will also result in disciplinary action, up to and including termination. Any illegal activity discovered during a search is subject to referral to the appropriate law enforcement authorities.
- 2200.8 **Prohibition Against Retaliation**. The District will not tolerate retaliation against any employee who reports a potential violation of this policy. Employees who believe they have been subject to retaliation for reporting a potential violation of this policy should notify the Human Resources Manager immediately.
- 2200.9 **Record Keeping**. The Division of Occupational Safety and Health (known as CalOSHA) requires entry on the Injury Illness Log of any injury which requires more than first aid, is a lost time injury, requires modified duty or causes loss of consciousness. Assaults should be entered on the log. Doctor's reports of work injury will be kept in confidential medical files. Supervisor and/or investigator reports shall be kept of each recorded assault.
- 2200.10 **Dissemination of Policy**. All officers, directors, employees and volunteers shall receive a copy of this Policy when they are hired or commence volunteering. This Policy may be updated from time to time and redistributed.

Adopted: January 11, 2017 via Resolution No. 2017-02__
Revised: 12/23/2016