

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA**

RESOLUTION AMENDING, REAFFIRMING,)
AND ADOPTING THE WORKPLACE)
VIOLENCE PREVENTION POLICY)
_____)

RESOLUTION NO. 2021-132

WHEREAS, on November 9, 2009, the Board of Supervisors of the County of Yuba formally adopted Human Resources and Organizational Services (HROS) 2.06 – Workplace Violence Prevention Policy.

WHEREAS, it is the policy of the Board of Supervisors that the County of Yuba provide a safe and secure workplace that is free from acts or threats of violence; and

WHEREAS, the Workplace Violence Prevention Policy adopted by Board of Supervisors established a strict zero tolerance and prohibits any acts or threats of violence or other prohibited conduct against employees, visitors, or other persons who are either on County premises or have contact with employees in the course of their duties; and

WHEREAS, the Workplace Violence Prevention Policy solidifies the County's commitment to provide violence prevention training to its employees, threat assessment when a violent act is imminent, and trauma response when a violent act occurs; and

WHEREAS, on August 10, 2021, the Finance and Administration Committee reviewed proposed changes to the Workplace Violence Prevention Policy and directed Human Resources to consult with each labor group, which has been done; and

WHEREAS, Human Resources reviewed the revisions to the Workplace Violence Prevention Policy with each labor group; and

WHEREAS, the major revisions to the Workplace Violence Prevention Policy are as follows:

- 1) Sections moved for clarity,
- 2) Clarified or updated revisions based on legal analysis,
- 3) Removed irrelevant sections,
- 4) Updated the reporting procedures, the documentation process, and code sections,

5) Updated the firearm and weapon prohibition section to create an exemption for members of Board who have a valid permit to carry a concealed weapon and contractors such as armed security guards with approval of the contracting department head, Human Resources, and the County Administrator; and

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Yuba hereby amends, reaffirms, and adopts the Workplace Violence Prevention Policy.

BE IT FURTHER RESOLVED, that the previous Workplace Violence Prevention Policy, adopted on November 9, 2009, shall no longer be in effect with the adoption of this resolution.

PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, on the 28 day of September 2021 by the following votes:

AYES: Supervisors Vasquez, Blaser, Fuhrer, Bradford

NOES: None

ABSENT: Supervisor Fletcher :

ABSTAINED: None



CHAIRMAN

ATTEST: Rachel Ferris
Clerk of the Board

APPROVED AS TO FORM: Michael Ciccozzi
County Counsel

By: Mary Pasillas
Mary Pasillas, Board Clerk

By: [Signature]



**COUNTY OF YUBA
POLICY MANUAL**

POLICY NO.: HROS 2.06 PAGE 1 OF 7

REVISION DATE: SEPTEMBER 28, 2021

ORIGINATION DATE: NOVEMBER 10, 2009

Title:

Workplace Violence Prevention Policy

Approved By:

Board of Supervisors, Resolution # 2021-XX

PURPOSE:

The County of Yuba ("County") is firmly committed to providing a safe and secure workplace that is free from acts or threats of violence. In keeping with this commitment, the County hereby establishes this strict zero tolerance Workplace Violence Prevention Policy ("Policy") which prohibits any acts or threats of violence or other prohibited conduct against employees, visitors, or other persons who are either on County premises or have contact with employees in the course of their duties. Preventing violence in the workplace is every employee's responsibility. It is therefore essential that every employee understand the importance of workplace safety and security. The County is committed to:

- Providing violence prevention training to its employees
- Providing threat assessment when a violent act is imminent, and
- Providing trauma response when a violent act occurs.

Scope of Policy

This Policy applies to all employees and volunteers of the County, including contract employees, supervisory employees, Department Heads, managers, elected officials, all non-supervisory staff and all persons who come onto or are at the County's workplaces which includes, but is not limited to, any work site which is owned, leased or under the supervision and/or control of the County as a workplace.

DEFINITIONS:

"Prohibited conduct" includes, but is not limited to, violence, direct or indirect threats of violence, coercion, assault, abusive behavior, intimidation, physical fighting or altercations, or the unauthorized use of weapons on County property while in the course of County employment, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.

"Risk Factors" are the behavioral warning signs (acts, behaviors, and situations) that may increase the probability of workplace violence. Examples of Risk Factors include: individuals exhibiting unusual fascination with the illegal use of firearms/weapons and/or incidents of workplace violence; individuals that exhibit changes in behavior suggestive of drug and/or alcohol addiction; severe depression; significant decrease in productivity; poor or strained relationships with co-workers; significant personality changes, anger and/or frustration, obsessive love affairs, and domestic disputes that spill over into the workplace, etc.

“**Workplace**” is any facility, building, lot, site, property or place that is owned, leased or operated by the County as a place where employees work, use or conduct county business which includes but is not limited to any parking lot(s) which are in, adjacent to and/or a part of a county workplace, which is used as and/or for the benefit of persons working, visiting or using any facility, building, lot, site, property or place that is owned, leased or operated by the County.

“**Workplace Violence**” is defined as any conduct that causes an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property. Specific examples of workplace violence include, but are not limited to, the following:

1. Threats or acts of physical harm directed toward an individual or his/her family, friends, associates, or property.
2. The destruction of, or threat of destruction of County property or another employee’s property.
3. Fighting, challenging another person to fight, or participating in dangerous or threatening behavior.
4. Striking, punching, slapping, or assaulting another person.
5. Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise.
6. Harassing or threatening phone calls, texts, emails, or other such communications through electronic means.
7. Surveillance.
8. Stalking including the use of electronic devices for that purpose.
9. Possessing a weapon(s) during work hours unless the County issues the weapon(s) for performance of the job or except as otherwise authorized by this policy.

“**Weapon**” is defined as a firearm, chemical agent, club or baton, knife, or any other device, tool, or instrument that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.

“**Zero Tolerance**” means there is no warning, grace period, or pre-counseling prior to imposing punitive action or discipline, up to and including termination, upon violation of this Policy.

RULES AND REPORTING PROCEDURES:

It is every employee’s responsibility to assist in the prevention of violence in the workplace. Every verbal or physical threat of violence, including bomb threats or suspicious packages, must be treated seriously and reported immediately to a supervisor, manager and/or Department Head. In cases of emergency, employees must contact local law enforcement immediately. Threats of violence must also be reported to Human Resources as soon as possible. Early reporting of dangerous and potentially dangerous incidents will facilitate an effective investigation and response by the County

in a timely manner. Employees must report incidents of workplace violence as described below:

All Employees

1. Reporting Threats or Acts of Violence

Employees must immediately report to their supervisor, manager, and/or Department Head whether they have been a victim of or, have witnessed, workplace violence incidents in the workplace. In cases of emergency, employees must contact local law enforcement immediately (i.e. 911 from local or from County phones 9-911) and then follow the reporting process above.

Employees must also report, through the reporting process above, all threats or acts of violence which they experience while acting in the scope of their employment off County premises, or which relate to the legitimate business interests of the County. Employees must also report any threats or acts of violence occurring off County premises of which they are a target if there is a reasonable basis to believe that the violence will follow them to the workplace or in the performance of their duties.

In situations where it is not feasible for the employee to report threats or acts of violence to the employee's immediate supervisor or manager, the employee must report the conduct to a department supervisor and/or Department Head. If the employee is uncomfortable reporting a situation within their department the employee must make the report to the Human Resources Department.

Employees must report threats or acts of violence in the workplace regardless of any relationship which may exist between the individual who initiated the threat or engaged in the violent act and the individual who was the victim of the conduct.

No employee will be disciplined, retaliated against or discharged for reporting any legitimate threats or acts of violence. Intentionally false, misleading and/or frivolous reports are unacceptable. Employees found to have made such intentionally false or misleading reports may be subject to disciplinary action up to and including termination.

2. Restraining Orders

Employees who obtain a restraining order listing their workplace, person, or County property as a protected area must provide a copy of the temporary restraining order or the permanent restraining order to their supervisor and/or Department Head. The County has an obligation to provide a safe workplace and can only meet this obligation if it receives information concerning individuals who have been ordered to maintain a distance from its facilities and/or employees. Restraining orders must also be reported to the Human Resources Department as soon as possible.

Supervisors/Managers/Department Head

1. Acts and Threats of Violence

In addition to the reporting procedures set forth for all employees above, supervisors, managers, and Department Heads must become familiar with the early warning signals of violence and are required to consult with Human Resources when any employee displays one or more of the risk factors defined above.

The County requires departments to request assistance from the Human Resources Department regarding threat assessment (if a violent act is imminent) and trauma response (when a violent act occurs).

2. Reporting Procedure

Supervisors and managers must prepare an Incident Report based on information from the reporting employee and/or personal observation and submit the report to the Department Head and to Human Resources. The supervisor or manager must immediately interview a reporting employee to obtain specific information concerning the conduct at issue, such as:

- The employee name(s)
- The date, time and place where the conduct occurred
- Who engaged in the incident
- Who initiated the incident, if known,
- Names of witnesses to the conduct at issue
- What conduct is at issue
- Against whom was the conduct directed
- What specifically was said or done
- Whether the party at issue engaged in any physical conduct that would indicate he/she plans to follow through on a threat
- Whether there is any previous history of violent or threatening conduct
- The relationship of the person to whom the conduct was directed and the person undertaking the conduct
- Description of unidentified parties
- Any other information which will aid in the investigation

Supervisors, managers, and Department Heads should also ask the reporting employee whether he/she has any suggestions for minimizing the risk of violence based on the information known to them and what the employee's desired outcome is regarding the incident. Supervisors, managers, and Department Heads should carefully document objective facts and other relevant personal feelings so that trained professionals will have access to the information necessary to reach fair and accurate conclusions. If possible, it is advisable to have the employee and/or witnesses to provide a written statement.

3. Each Department Head has authority to enforce this Policy by:
 - Training supervisors and subordinates about their responsibilities under this Policy;
 - Assuring that reports of workplace violence are accurately and timely documented and addressed;
 - Notifying law enforcement authorities of any incidents;
 - Making all reasonable efforts to maintain a safe and secure workplace; and
 - Maintaining records and follow up actions as to reports of workplace violence.

Human Resources Department

The County Human Resources Department shall administer this Policy as part of the Injury and Illness Prevention Plan (IIPP), and coordinate:

- Periodic assessment and evaluation of workplace risk factors which may contribute to the possibility of violence in the workplace, and
- Training of all employees that involves education of risk factors associated with the various types of workplace violence, crime awareness and emergency response plans, and
- Support to department management in identifying and addressing workplace risk factors specific to each department.

Firearm and Weapon Prohibition

1. Unless stated otherwise in this Policy, no person shall have in his/her possession, while on any property owned and/or leased by the County, County worksite (including outdoor worksites), or in County vehicles, any firearm or other dangerous weapon, or any explosive or destructive device. This includes individuals who have permits to carry a concealed weapon.
 - a. Firearms and other dangerous weapons (as defined in Section 16100 et seq., 16590, 30600 et seq., of the California Penal Code), includes, but is not limited to, pistols, handguns, rifles, shotguns, knives, swords, or martial arts weapons (such as nun chakus and tonfas).
 - b. Explosive or destructive devices (as defined in Section 12000 of the California Health and Safety Code) includes, but is not limited to, ammunition, fireworks, firecrackers, explosive or incendiary devices or materials.
2. This provision does not include:
 - a. Peace officers (as defined by Section 830-832.16 of the California Penal Code) and retired peace officers (as defined by Section 26300 of the

- California Penal Code) authorized by law and their appointing authority to carry weapons.
- b. Members of the Board of Supervisors who have valid permits to carry a concealed weapon with written notice provided to the CAO and Human Resources Director.
 - c. Other employees who have a valid concealed weapons permit and have been authorized by their appointing authority (when the appointing authority has conferred with and received approval from the County Administrator and Human Resources Director before granting authorization), to carry a firearm for a justifiable work related purpose.
 - d. Contractors, i.e., armed security guards, who have a valid concealed weapons permit and have been authorized by the contracting Department Head following approval of the County Administrator and Human Resources Director to carry a firearm for a justifiable business purpose.
 - e. Employees who carry knives (and related implements) that are used as tools in the regular course of County business with the awareness and approval of their appointing authority.
3. The appointing authority may at any time revoke approval as outlined in (2) above with written notice to the employee or contractor, County Administrator and Human Resources Director.
 4. Specific situations arising with regard to the Firearms and Weapons Policy stated above may be reviewed on a case by case basis taking into consideration the following:
 - a. It is the intent of this Policy to ensure that all employees and the public conducting business with the County be free from the threat of violence either by gesture, verbal threat, implied threat, or physical act while in the course of duties or obtaining services from the County;
 - b. Implementation of this Policy shall not impede the regular and necessary conduct of County business; and
 - c. Interpretation of this Policy shall not impede individual rights so long as the primary intent described above in 4(a) is followed.

Dissemination of Policy

All County employees shall receive a copy of this Workplace Violence Prevention Policy and shall sign a written acknowledgment that they have received and read a copy of the Policy. A copy of this acknowledgment shall be placed in the employee's official personnel file.

A copy of this Policy shall be posted on the County's web page under Human Resources and shall be available in the Office of the Board of Supervisors, the County Administrator's Office and the Human Resources Department.

REFERENCES:

California Occupational Safety & Health Act
Labor Code § 6400 et al. seq.

EMERGENCY RESOURCES:

County Administrator's Office	(530) 749 -7575
Human Resources Department	(530) 749 -7860
Emergency Police/Fire (County Phone)	9-911
Emergency Police/Fire (Local Phone)	911
Marysville Police Department	(530) 749 -3900
Yuba County Sheriff	(530) 749 -7777
Yuba County Employee Assistance Program	1-800-242-6220

REVISION RECORD:

Established: November 9, 2009
Revised: September 28, 2021