



INTEROFFICE MEMORANDUM

TO: Ed Reiskin
City Administrator

FROM: Andrew S. Lathrop
Risk Manager, HRM Dept.

SUBJECT: Request for signature and distribution
of updated AI 544 - Managing
Violence in the Workplace

DATE: August 19, 2020

City Administrator Approval 

Date: Aug 20, 2020

The Human Resources Management Dept. ("HRM") request your approval and signature on an updated version of AI 544 – Managing Violence in the Workplace. HRM also request that you direct staff to post the updated AI on the City's intranet and circulate to City personnel as appropriate.

City of Oakland Administrative Instruction 544 – Managing Violence in the Workplace (Attachment 1) was put into place on June 1, 1995. The policy expresses Oakland's commitment to a safe workplace free from acts and/or threats of violence and lays out a framework for responding to and mitigation of acts and/or threats of violence. HRM updated this policy to implement process improvements, to increase clarity, and to incorporate necessary updates which have arisen in the 25 years since this policy was drafted.

Original revisions of AI 544 were proposed by the previous Risk Manager Deb Grant. Those revisions were reviewed and approved by Carly Casden in the Office of the City Attorney who offered some edits. Current Risk Manager Andrew Lathrop incorporated the City Attorney's edits into a working document which was forwarded to Employee Relations for meet and confer with the City's bargaining units. The meet and confer process officially completed on 10 August 2020. After some back and forth with the units and incorporating and considering feedback from all stakeholders a final draft is now available for City Administrators review (Attachment 2).

HRM ask that you review and sign the updated version of AI 544 – Managing Violence in the Workplace. HRM also request that your staff update the City's intranet with the newest policy and widely circulate the new document to all departments.

Your action is greatly appreciated. For questions or concerns please contact Andrew S. Lathrop, Risk Manager at alathrop@oaklandca.gov or by phone at 510-238-7165.


Andrew S. Lathrop
Risk Manager

Attached:

- 1) AI 544 - Managing Violence in the Workplace dated June 1, 1995
- 2) AI 544 - Managing Violence in the Workplace dated September 1, 2020

CITY OF OAKLAND



ADMINISTRATIVE INSTRUCTION

SUBJECT/AGENCY	Managing Violence in the Workplace (Human Resources Management)	NUMBER	544
REFERENCE	ASIS/SHRM WVPL.1-2011 (as amended)	EFFECTIVE	Sep 1, 2020
SUPERSEDE	AI 544, Dated June 1, 1995		

I. PURPOSE

The City of Oakland is committed to providing a safe workplace free from acts and/or threats of violence. This policy sets guidelines and procedures for responding to and preventing violent/potentially violent situations in the workplace. Further, this policy establishes a Threat Assessment Team (“TAT”) to promptly investigate and respond appropriately to threats and incidents of violence when they occur. All reasonable attempts should be made to avoid and deter violent behavior among City employees and to protect City employees from acts and/or threats of violence from other City employees or from the public.

II. POLICY

The City of Oakland promotes a safe work environment that is free from violence and threats of violence.

No Tolerance for Violence

The City prohibits employees from making threats of violence and/or committing acts of violence toward co-workers or Members of the Public on City owned or operated property, while engaged in activities for the City, or while at a City sponsored event. This prohibition includes, but is not limited to, the following types of behavior:

- a. Violence (i.e. intentional physical force or unwanted contact used to cause physical, mental or emotional harm, such as hitting, fighting, pushing, slapping, punching, physical restraint, confinement, or throwing objects);
- b. Threats (i.e. acts, communications, or any other expressions made directly or indirectly that a reasonable person would perceive as intimidating, abusive, threatening, bullying, coercive, or fear-inducing, and/or as a suggestion or threat of violence;
- c. Stalking (i.e. willfully, maliciously, and repeatedly following or harassing another person in a way that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family);
- d. Possessing, transporting, wearing, displaying, or storing firearms, or other Weapons of any kind unless such possession or use is a requirement of the job.

- e. Dangerous or threatening Horseplay;
- f. Blatant or intentional disregard for the safety of others;
- g. Commission of a violent felony or misdemeanor in connection with City business;
- h. Willfully destroying City property or the property of others engaged in City business;
- i. Intentionally increasing the risk of personal injury to others by damaging or sabotaging City property or the property of others engaged in City business; and
- j. Any other act or expression that a reasonable person would perceive as violent or as a threat of violence.

If an investigation substantiates a violation of any city policy, the City will take appropriate corrective action, which may involve discipline of the perpetrator, up to and including separation of employment, and could result in the filing of criminal charges.

Duty to Report

The City requires employees to report threats or acts of violence in accordance with this policy. No adverse action will be taken against anyone who, in good faith and with reasonable belief, makes such a report, even if the City is unable to substantiate the allegations.

If an investigation determines that an employee, regardless of seniority or position, had actual knowledge of a threat or act of violence, and failed to timely report their knowledge or otherwise obstructed the reasonable resolution of the situation, that employee may also be subject to discipline up to and including separation of employment.

Anyone who observes an act or threat of violence of a criminal or emergency nature should report such observations to the Oakland Police Department by calling 911. Reports of a non-emergency nature must be made to the employee's supervisor or manager or Director, if none of those individuals are available/appropriate, then the report must be made directly to a member of the TAT.

III. Definitions

<u>Term</u>	<u>Definition</u>
Horseplay	Horseplay is rough or rowdy play or pranks that occur at the workplace. It can involve "joking that includes physical contact, playing around, racing, grabbing, foolish vehicle operation, social pressure to participate in unsafe acts, harassment and unauthorized contests.
Member of the Public	Anyone who is not a City employee (i.e. visitors, vendors, residents, contractors, suppliers, merchants, inspectors, volunteers, etc.).
Threat Assessment Team (TAT)	A team of City employees who are assigned the responsibility to evaluate individual incidents; to

	develop a plan of action and follow-up; and to manage incidents when they occur.
Weapon	Gun, knife, or other instrument/material designed or used to inflict bodily harm or destroy property.

IV. PROCEDURE FOR REPORTING THREATS OR INCIDENTS OF VIOLENCE

Employees shall report any coworker or Member of the Public who threatens, attempts to, or commits an act of violence against them or a co-worker. Employees shall also immediately report any person suspected of, or known to be carrying, transferring, storing, displaying, or selling a Weapon on City property or while on City time if such actions are not a requirement of that person's job duties.

Reports must be made to the employee's supervisor or manager or, if neither of those individuals are available/appropriate, then directly to the employee's Director. If the Director is also not available/appropriate, then reports must be made directly to a member of the TAT. Managers/supervisors receiving the initial report shall perform a preliminary investigation and report their initial findings to their Director. The Director shall report the incident and initial findings to a member of the TAT. Director's receiving the initial report shall perform or assign a competent individual in their department to perform a preliminary investigation and report the initial findings to a member of the TAT.

The TAT Leader and delegates are listed below:

Risk Manager	238-7165
Employee & Fleet Safety Coordinator	238-4993
Assistant Human Resources Director	238-6466

After hours Contact Number 387-8144*

*Text messages are the preferred method of afterhours communication

Reports can be made by phone or by electronic mail to individuals holding the above positions.

V. ORGANIZATIONAL RESPONSIBILITIES

A. Employee Responsibility

Employees shall refrain from acts or threats of violence. They must treat co-workers and Members of the Public with respect and dignity. Employees are encouraged to communicate openly with co-workers and to tolerate different opinions. Employees with personal or family problems are encouraged to seek assistance through confidential counseling resources, such as the City's Employee Assistance Program.

Employees are required to cooperate with investigations and, to the extent possible, participate in good faith in any intervention method recommended by the TAT or TAT Leader. Methods of intervention may include conflict resolution or mediation processes designed to assist in addressing normal, work-related interpersonal tensions and conflicts that might arise among co-workers. Employees who fail to cooperate and/or participate in good faith with an investigation, inquiry, or intervention method may be subject to disciplinary action, up to and including separation from employment in accordance with applicable Administrative Instructions and bargained agreements.

B. Departmental Management Responsibility

Department managers and supervisors shall take all threats or acts of violence seriously and shall quickly assess the immediacy of the situation. Managers and supervisors shall take reasonable actions to safeguard employees, including calling 911 if appropriate, and follow the instructions above in Section IV. Managers and supervisors who neglect these responsibilities may be subject to disciplinary action, up to and including separation from employment in accordance with applicable Administrative Instructions and bargained agreements.

The Department's Director or his/her designated representative is responsible for communicating this Policy to all employees upon hire and annually thereafter. Additionally, the Department's Director should ensure that employees participate in violence prevention training every two years. Violence prevention training is available through the City's web-based training or from Risk Management by request. Finally, Department Directors are responsible for implementing response action plans should such a plan be directed by the TAT.

C. TAT Team Leader Responsibility

The TAT Leader or delegate is responsible for investigating and evaluating reports of threats or acts of violence. Assessment and determination will be made on a case-by-case basis as to the credibility/severity of the reported incident and whether the reported incident falls under this Administrative Instruction. During the assessment period, the TAT Leader or delegate may authorize non-punitive paid administrative leave in the interest of employee safety or to support a cooldown period. If such leave is utilized, the TAT Leader will ensure that both the associated Department and Union are notified.

Based on the initial assessment, one of the following shall occur:

- 1) The incident will be returned to the original Department for further investigation and/or handling.
- 2) The incident will be forwarded to another Department for appropriate handling.
- 3) The TAT Leader or delegate will perform an independent investigation of the incident.
- 4) The TAT Leader will convene a TAT consisting of designated City Employees, with outside professional experts as needed, to investigate the incident and formulate a response action plan.

If a response action plan is required, the TAT Leader will report the recommended action plan to the Department Director and to the City Administrator. The TAT Leader or designee will monitor the Department's implementation of the action plan.

D. TAT Responsibility

If determined necessary by the TAT Leader, the TAT Leader will convene a TAT. A TAT will consist of designated City Employees and, if needed, outside professional experts. The composition of a TAT will vary depending on the incident, but may include individuals from the following: Human Resources/Risk Management; Employee Relations, City Attorney's Office, Human Resources representative from originating Department, the City Administrator's Office, Oakland Police Department, Equal Opportunity Programs Division, Employee Assistance Program

(external vendor), City Physician (external vendor), and/or workplace violence psychologist/consultant.

Once convened, a TAT will complete an assessment, which may include collecting additional data and further screening of available information for risk potential. A TAT may utilize external resources to determine next steps in the development of an action plan. Examples of outcomes include, but are not limited to, determining appropriate security/law enforcement steps, additional background investigation, professional risk assessment, defusing/treatment interventions, legal guidance and actions, employment status actions and/or workgroup/victim interventions.

A TAT will develop a plan of action for mitigating or minimizing the potential for violence. This action plan will be reported to the City Administrator and Department Director through the TAT Leader for action and follow-up.

A TAT action plan may include the following steps:

- 1) Damage and impact assessment;
- 2) Development and implementation of a comprehensive communications plan;
- 3) Inspection, repair and cleaning of affected facilities;
- 4) Specific efforts to restore and recover processes consistent with an evaluation of key priorities and a determination of effective sequencing and timing;
- 5) Attention to actions specifically required to resume operations including addressing the emotional needs of employees and the establishment of a “current circumstances assessment” that gives appropriate consideration for the violent incident that occurred, and the steps that will be taken to appropriately and sensitively restore the workplace to full productivity; and/or
- 6) Ongoing monitoring of the well-being of all personnel affected by the incident.

All actions recommended by the TAT Leader or the TAT will be done in consideration with existing policy and procedures, past practice, severity/credibility of threat, and available industry best practices guidelines (e.g. ASIS/SHRM WVPI.1-2011 as periodically amended).

For more information about this policy, contact Risk Management at 238-7165.



EDWARD D. REISKIN
City Administrator