

Workplace Violence

Human Resources

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1.0 PURPOSE:

To describe the policies and procedures to be followed by all City departments and employees in regard to workplace threats or acts of violence.

2.0 ORGANIZATIONS AND PERSONS AFFECTED:

This policy applies to all City of West Allis departments, boards, commissions, and City employees.

3.0 POLICY:

It is the policy of this City not to tolerate any threats of violence or acts of violence by employees in the workplace or by non-employees toward employees within the workplace. Examples of violence include but are not limited to: physical assault, aggressive behavior at another individual, purposeful destruction of City or another's property, intimidation through verbalized or implied threats of a violent nature, and threatening or harassing statements of a violent nature whether verbal, written, telephonic, electronic or otherwise.

It is the intent of the City to provide a safe work environment. Conduct that constitutes threats or acts of violence will not be tolerated.

As threats or acts of violence in the workplace may also be perpetrated by people from outside the workplace, it is the City's policy to require any employee who feels an outside threat poses a risk within the workplace to report the situation to the City.

4.0 REFERENCES:

OSHA's General Duty Clause 29USC Section 654(A)(1)
Wis. Stats. Section 101.11(1)

5.0 PROCEDURES:

5.1 RESPONSIBILITY

- 5.1.1 Each supervisor has the responsibility to maintain his or her workplace free of violence. This duty includes discussing this policy with all employees and assuring them they are not required to tolerate any threats or acts of violence but are required to make a report to the City if they are the recipient of a threat of violence or victim of an act of violence. Supervisors shall notify the Human Resources Manager of any observed or reported threats or acts of violence in the workplace and of any protective/restraining orders reported to them by an employee.

5.1.2 All employees are responsible for:

- a) Reporting any threats or acts of violence they receive or witness.
- b) Refraining from threats or acts of violence in the workplace.
- c) Seeking assistance to resolve personal issues that may lead to threats or acts of violence in the workplace.
- d) Reporting to their supervisor any dangerous or threatening situations that occur outside of the workplace that may affect workplace safety, e.g., instances where protective orders have been issued, etc.

5.2 GENERAL POLICIES - PROHIBITED CONDUCT

5.2.1 No employee shall engage in violence or commit a violent act unless such act is part of the job duties of the employee (e.g., a police officer using reasonable force to make an arrest). The word violence in this policy shall mean, but not be limited to, an act or behavior that:

- a) Is physically assaultive;
- b) A reasonable person would perceive as obsessively directed, e.g., intensely focused on a grudge, grievance or irrational interest in another person, and reasonably likely to result in harm or threats to persons or property;
- c) Consists of a communicated or reasonably perceived threat to harm or in any way endanger the safety of an employee, a member of an employee's family, or another individual;
- d) Would be interpreted by a reasonable person as having the potential for physical harm to an employee or another individual;
- e) Is a behavior or action that a reasonable person would perceive as menacing;
- f) Involves destruction of property or throwing of objects in a manner reasonably perceived to be threatening; or
- g) Consists of a communicated or reasonably perceived threat to destroy property.

5.2.2 For purposes of this section 5.2, the definitions set forth in subsection 6.08(1) of the RMC shall apply except that "carry" shall not mean having a weapon for which the employee has a permit to carry concealed under section 175.60, Wis. Stat. if the weapon is in the employee's own motor vehicle as set forth in subsection 175.60(15m)(b), Wis. Stat. No employee may, while on duty, carry a dangerous weapon:

- a) upon their person,
- b) into any City-owned public building,
- b) in or upon a City-owned motor vehicle.

5.3 GENERAL POLICIES – COMPLAINT AND INVESTIGATION PROCEDURE

5.3.1 If an act or behavior constitutes an emergency, call 911 and immediately advise a supervisor and the Human Resources Manager. Conduct that does not constitute an emergency shall be reported to the Human Resources Manager who will take responsibility for coordinating a response to the incident. The Human Resources Manager and the Police Department will assess the need for special safe-guards.

5.3.2 In instances that involve emergency situations or suspected criminal activity, the Human Resources Manager shall contact the Police Department for assessment and, if necessary and deemed appropriate, investigation.

- 5.3.3 When it is not appropriate to refer the matter to the Police Department, the Human Resources Manager will evaluate the situation and coordinate an investigation, consulting with the City Attorney, Department Head and/or Police Chief as appropriate.
- 5.3.4 To the extent practicable, the reports, investigations and resolutions shall be treated as confidential.
- 5.3.5 Any restraining orders shall be filed with the Police Department. Supervisors and the Human Resources Manager shall be notified of such restraining orders. The Human Resources Manager shall disseminate this information on a needs-to-know basis.
- 5.3.6 If the Human Resources Manager is alleged to have violated this Policy, the Mayor or City Administrative Officer will assume the responsibilities assigned to the Human Resources Manager under this Policy.

5.4 GENERAL POLICIES - EMPLOYEE SANCTIONS INVOLVING WORKPLACE VIOLENCE

- 5.4.1 Any employee found to be in violation of this policy shall be subject to disciplinary action, up to and including termination of employment and, if appropriate, shall be prosecuted to the full extent of the law.
- 5.4.2 When appropriate, an employee violating this policy will be referred to the Employee Assistance Program (EAP) for evaluation and recommendations.
- 5.4.3 Retaliation against any employee for filing a workplace violence complaint is prohibited, will not be tolerated, and may result in disciplinary action, up to and including termination.