



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
R-2012-0149	Resolution	Introduced
	Resolution relative to amending the City of West Allis Policies & Procedures Manual No. 1452, Workplace Violence Policy.	
	Introduced: 8/7/2012	Controlling Body: Administration & Finance Committee
		Sponsor(s): Administration & Finance Committee

### COMMITTEE RECOMMENDATION

*adopt*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
AUG - 7 2012			Barczak				
			Czaplewski				
		✓	Lajsic	✓			
			May	✓			
			Probst	✓			
			Reinke				
			Roadt				
			Sengstock		✓		
			Vitale	✓			
		Weigel					
		TOTAL		5	0		

### SIGNATURE OF COMMITTEE MEMBER

*[Signature]*

Chair

Vice-Chair

Member

### COMMON COUNCIL ACTION

**ADOPT**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
AUG - 7 2012			Barczak	✓			
			Czaplewski	✓			
			Lajsic	✓			
			May	✓			
			Probst	✓			
			Reinke	✓			
			Roadt	✓			
		✓		Sengstock	✓		
			✓	Vitale	✓		
			Weigel	✓			
		TOTAL		10			



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2012-0149**

**Final Action:**

**Sponsor(s):** Administration & Finance Committee

**AUG - 7 2012**

Resolution relative to amending the City of West Allis Policies & Procedures Manual No. 1452, Workplace Violence Policy.

WHEREAS, Policy No. 1452, Workplace Violence, was originally included in the City of West Allis Policies & Procedures Manual on July 1, 1997, and amended on May 5, 2009 and October 4, 2011; and,

WHEREAS, it is necessary to amend said policy at this time, including renaming the policy as Workplace Violence and Anti-Bullying Policy.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Policy No. 1452, Workplace Violence Policy, be renamed as the Workplace Violence and Anti-Bullying Policy, and that the content of the Policy be amended as provided in the marked copy attached.

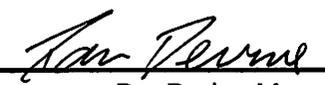
BE IT FURTHER RESOLVED that the City Administrative Officer, Clerk/Treasurer is authorized and directed to include the amended Policy No. 1452 in the City's Policies & Procedures Manual and distribute said policy to all departments, divisions, and offices.

ADM\ORDRES\ADMR.PPMANUAL.PRS52

ADOPTED     AUG - 7 2012    

APPROVED     8/15/12    

  
\_\_\_\_\_  
Paul M. Ziehler, City Admn. Officer, Clerk/Treas.

  
\_\_\_\_\_  
Dan Devine, Mayor

Workplace Violence and Anti-Bullying Policy	Human Resources	1400
	1452                      1-3                      7/1/97	10/4/11 ??/12

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 and bullying.

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 or acts of violence or bullying 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. Behaviors that may signify bullying include, but are not limited to: insulting, rude, vulgar or derogatory remarks, language, gestures or actions; malicious rumors, gossip or negative innuendo; shouting, yelling, swearing, name calling; persistent, unwarranted criticism; misuse of power or authority; verbal, written or physical threats, aggression, abuse and intimidation

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

As threats or acts of violence and bullying 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 and bullying. This duty includes discussing this policy with all employees and assuring

them they are not required to tolerate any threats or acts of violence or bullying 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 or bullying. Supervisors shall notify the Human Resources Manager of any observed or reported threats or acts of violence or bullying 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 or bullying they receive or witness.
- b) Refraining from threats or acts of violence or bullying in the workplace.
- c) Seeking assistance to resolve personal issues that may lead to threats or acts of violence or bullying 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 - VIOLENCE

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,
- c) in or upon a City-owned motor vehicle.

## 5.3 GENERAL POLICIES – PROHIBITED CONDUCT – BULLYING

5.3.1 No employee shall engage in bullying. Workplace bullying is generally defined as unwanted conduct, comments, actions or gestures that affect an employee's dignity, psychological or physical health and well-being. Bullying may result from the actions of one individual towards another, or from the behavior of a group.

Bullying is often characterized through insulting, hurtful, hostile, vindictive, cruel or malicious

behaviors (such as those described in section 3.0 above) which undermine, disrupt or negatively impact another's ability to do his or her job and results in a harmful work environment for the employee(s)

Bullying can take many forms and may occur when the behavior or conduct:

- a) Reasonably tends to cause offense, discomfort, humiliation or embarrassment to another individual or group;
- b) Has the purpose or effect of interfering with an individual's work performance;
- c) Creates an intimidating, threatening, hostile or offensive work environment.

5.3.2 It is recognized that there may be some circumstances where an employee experiences stress or discomfort in the workplace, which is not related to bullying or inappropriate behaviors. Unless there is evidence that demonstrates a pattern of humiliating, offensive, or intimidating behavior, as described in section 3.0 and/or par. 5.3.1 above, or there is evidence of one incident having severe impact, such situations may not constitute a basis for complaint under this policy

For example, bullying would not include:

- a) The normal exercise of supervisory responsibilities, including performance reviews, direction, counseling and disciplinary action where necessary, provided they are conducted in accordance with City policies and procedures.
- b) Social interactions, jokes and bantering, which are mutually acceptable, provided the interactions are respectful and there is no negative impact for others in the work environment.
- c) Disagreements, misunderstandings, miscommunication and/or conflict situations, provided the behavior of the individuals involved remains professional and respectful.

*Behaviors which appear to harass or discriminate based on prohibited grounds, as defined by State and/or Federal law (e.g. sex, race, color, religion, age, disability, etc.), would be subject to the provisions of the City's Anti-Harassment and Anti-Retaliation Policy – 1436.*

#### 5.4 GENERAL POLICES – COMPLAINT AND INVESTIGATION PROCEDURE

- 5.4.1 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 safeguards.
- 5.4.2 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.
- 5.4.3 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.
- 5.4.4 To the extent practicable, the reports, investigations and resolutions shall be treated as confidential.
- 5.4.5 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.

- 5.4.6 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.

5.5 GENERAL POLICIES - EMPLOYEE SANCTIONS

- 5.5.1 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.
- 5.5.2 When appropriate, an employee violating this policy will be referred to the Employee Assistance Program (EAP) for evaluation and recommendations.
- 5.5.3 Retaliation against any employee for filing a workplace violence or bullying complaint is prohibited, will not be tolerated, and may result in disciplinary action, up to and including termination.

Workplace Violence and Anti-Bullying Policy	Human Resources	1400
	1452	1-3
		7/1/97
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5.4.6 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.

5.5 GENERAL POLICIES - EMPLOYEE SANCTIONS INVOLVING WORKPLACE VIOLENCE

5.5.1 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.

5.5.2 When appropriate, an employee violating this policy will be referred to the Employee Assistance Program (EAP) for evaluation and recommendations.

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