

## *Workplace Violence Policy*

### **PURPOSE**

The City of Baltimore (City) recognizes that workplace violence is a growing issue nationally that must be addressed by all employers. The purpose of this policy is to heighten employee awareness of workplace violence and to provide guidance for employees and management to address the occurrence of workplace violence and its consequences in the workplace. Consistent with this policy, acts or threats of damage to property or physical violence, including intimidation, harassment, and/or coercion, which involve or affect Baltimore City Government, its officials, employees, agents, and volunteers, will not be tolerated. At the same time it should be clearly stated that retaliation of any kind against an employee who reports an incident of workplace violence is strictly prohibited. If retaliation is alleged and an investigation confirms it occurred, severe disciplinary action will follow.

### **POLICY INTENT**

The City of Baltimore is committed to promoting and ensuring the health and safety of its employees. To solidify that commitment the adoption of this Policy guarantees that each reported incident of Workplace Violence will be thoroughly investigated and, if the investigation warrants, the accused employee will be subject to discipline that includes suspension and/or a recommendation for termination. **Workplace violence in any form will not be tolerated nor permitted by the City.** Each department and agency director shall assure that all information regarding workplace violence is disseminated and understood by all employees.

### **SCOPE**

The procedures and provisions of this policy apply to all employees and individuals involved in the City's operation, including but not limited to vendors, contractors, agents, temporary workers, volunteers, and anyone else on Baltimore City Government property, as well as employees and individuals acting as a representative and/or conducting business on behalf of the City while away from City property. Any violent actions committed by employees while on City property or while acting as a representative of the City while away from City property will lead to disciplinary action and/or prosecution. The City understands the sensitivity of the scope of this policy and will attempt to maintain confidentiality to the extent permitted by law.

### **POLICY OBJECTIVES**

The objectives of this policy are to achieve the following:

- To reduce the potential for violence in and around the workplace.
- To encourage and foster a work environment that is characterized by respect and healthy conflict resolution.

## ***Workplace Violence Policy***

- To mitigate the negative consequences for employees who experience or encounter violence in their work lives.
- To educate employees on the consequences of workplace violence.

### **DEFINITIONS**

**An employee** is defined as any individual employed by and paid by the City of Baltimore. This includes hourly and salaried workers, supervisors, managers, Department Heads, Bureau and Agency Chiefs and Elected Officials and their appointed employees.

**A threat** is a statement or act intended to inflict harm or injury on any person, or on his or her property. Threats also include words or actions intended to intimidate another person or to interfere with the performance of his or her official duties (e.g., standing in front of a corridor with a menacing posture and not permitting a coworker to enter a room).

**An assault** is any willful attempt to inflict injury on the person of another, when coupled with an apparent ability to do so, or any intentional display of harm. Note: an assault may be committed without touching, striking, or doing bodily harm to another person (e.g., throwing a brick at a person that does not actually strike the person).

**Acts or Threats of Violence** include, but are not limited to, assault, battery, damage to property, harassment and stalking.

**Work Site or Workplace** - Any location whether owned or leased by the City or any other location not owned or leased by the City where a City employee, vendor, contractor, agent, temporary worker, or volunteer is carrying out the responsibilities and duties of his/her job on behalf of Baltimore City Government.

**The Office of the Inspector General** was created to conduct and supervise objective and independent audits, reviews, and investigations relating to the City of Baltimore programs and operations to, among other duties, prevent and detect fraud, waste, and abuse and misconduct and review and respond to complaints from employees and the citizens of Baltimore.

### **EXAMPLES OF WORKPLACE VIOLENCE**

General examples of prohibited workplace violence include, but are not limited to, the following:

All threats or acts of violence occurring on Baltimore City Government property, regardless of the relationship between the City and the parties involved in the incident.

All threats or acts of violence not occurring on Baltimore City Government property but involving someone who is acting as a representative of Baltimore City Government.

All threats or acts of violence not occurring on Baltimore City Government property involving an employee of Baltimore City Government while on duty.

Any threats or acts resulting in the conviction of an employee or agent of Baltimore City Government, or of an individual performing services on the City's behalf on a contract or temporary basis.

***Workplace Violence Policy*****SPECIFIC EXAMPLES OF PROHIBITED CONDUCT**

Specific examples of conduct that may be considered “threats or acts of violence” prohibited under this policy include, but are not limited to, the following:

1. Hitting or shoving an individual.
2. Threatening to harm an individual or his/her family, friends, associates, or their property.
3. Intentionally damaging or threatening to damage property owned, operated, or controlled by Baltimore City Government.
4. Making harassing or threatening telephone calls, letters or other forms of written or electronic communications (emails).
5. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of Baltimore City Government.
6. Harassing surveillance, also known as stalking, the willful, malicious and repeated following of another person and making credible threat with intent to place the other person in reasonable fear of his or her safety.
7. Unlawfully using or possessing firearms, weapons, or any other dangerous device on Baltimore City Government property, in City vehicles, in personal vehicles used for City business, or while conducting City Government business while not on City property.

**NOTE:** For those employees of Baltimore City Government who are required as a condition of their work assignment to possess firearms, weapons, or other dangerous devices, it is Baltimore City Government’s policy that employees are to use them only in accordance with departmental operating procedures and all applicable City, State, and Federal laws.

**ROLES AND RESPONSIBILITIES****Employees Responsibilities**

1. Refrain from making threats or committing any acts of violence against any person in any City work place.
2. Learn to recognize and respond to behaviors by potential perpetrators that may indicate a risk of violence.
3. Report to a supervisor any violent or threatening behavior whether witnessed, received or told, by another person.
4. Provide the supervisor and HR with a copy of a protective or restraining order which lists City premises as a protected area which such an order is received.
5. Seek counseling from the City’s Employee Assistance Program (EAP) or other health care providers when appropriate to address any personal problems that could elicit violent thoughts or behavior.
6. Comply with all treatment recommendations made by the EAP or other health care providers and all conditions of a Performance Improvement Plan.

## *Workplace Violence Policy*

### **Supervisor Responsibilities**

Follow steps 1 through 6 above.

Steps to be taken in the event of an act or threat of violence.

1. When someone commits an act of violence that involves physical injury, an immediate threat of physical harm, property damage, or when a weapon is present (implied, concealed, or displayed), **the police department's 911 emergency number should be called immediately**. Any injuries should be reported to them so that immediate medical attention can be obtained. Additionally, provide the 911 operator with as much information about the assailant as possible, i.e., name, location, race, gender, clothing, and if there is a weapon involved, what kind.
2. Refer injured employees not requiring immediate emergency care to the City of Baltimore Occupational Medical Services (Mercy Clinic) with an Employee Incident Report (E.I.R. #28-1608-5149 Rev. 3/09). Additionally, the supervisor must report the injury to Key Risk Management, the City's worker's comp vendor. Their phone number is 1-877-607-8600.
3. Contact the Agency's HR officer (hereafter HR officer) immediately and inform him or her of the incident.
4. With the approval of the HR officer remove the employee from the job with pay pending an investigation by the HR office or suspend the employee without pay. The employee should not be allowed to return to work without a clearance from the HR officer, after the HR officer consults with EAP. In cases involving sworn members of the Baltimore Police Department, discipline will be imposed pursuant to Section 3-108 of the LEOBR and Article 16 of both MOU.
5. Complete a Workplace Violence Incident Report form (AM-227-1-2) describing in detail all facts known to the supervisor regarding the incident and attach all witness statements. Submit these documents to the HR officer and the Department Head within 24 hours of the incident, or within 24 hours of gaining knowledge of the incident.
6. Impose all disciplinary action as recommended by the HR officer.
7. Where appropriate, complete a Performance Improvement Plan, with the assistance of EAP and the HR officer and monitor the employee's compliance.
8. In cases where a serious assault has occurred, offer to provide all affected employees counseling through EAP.
9. Failure to follow these procedures will result in disciplinary action against the responsible supervisor.

NOTE: After any incident of workplace violence, the supervisor of the complainant and the offending party should consult with the HR officer to determine areas where the offender may try to gain access. After obtaining such information, the HR officer should contact the Department of Public Works Training and Safety Division for a paper print-out of the employee's photo ID (or in cases not involving a violent employee, seek a photograph of the individual through other means). This documentation may be sent to the Department of General

***Workplace Violence Policy***

Services Facility Management Division for distribution to building security on City premises or in leased buildings, privately owned security or management. If there are other City workplaces where the person may try to gain access, the HR officer should share the photograph with the respective building's security.

**Agency's Human Resources Officer or Designee Responsibilities**

1. Review job candidates' backgrounds using pre-hire screening consisting of reference checks and background investigations.
2. Obtain incident reports from supervisors and all parties involved in any incident of violence or threat of violence, including all witnesses.
3. 3. Begin a thorough investigation of any incident of workplace violence within 24 hours of receiving incident reports. Every effort will be made by the HR office to interview all witnesses and all other involved parties, conclude the investigation and impose disciplinary action within a 30-day window after the Agency acquires knowledge of the incident, except in those cases where criminal conduct may be involved, or with offences related to violations of civil statutes. In any event, the City's investigation of and disposition of an alleged infraction shall occur with reasonable dispatch.
4. After consultation with the supervisor, refer any employee who may have been impacted by the incident to the EAP for counseling
5. Within 24 hours send a copy of the Workplace Violence Incident Summary Sheet and a copy of the workplace Violence Incident Report to the Department of Human Resources (DHR).
6. Notify the Director of the Agency that the alleged incident has occurred.
7. If a violation of this policy has occurred, refer the employee(s) to EAP.
8. Determine appropriate disciplinary action (according to the disciplinary section of this Policy) and/or legal action and ensure that it is implemented.
9. If legal action is contemplated the HR Officer should contact the City of Baltimore Law Department.
10. Assist the supervisor in writing a Performance Improvement Plan to include EAP recommendations when appropriate.
11. Call EAP regarding the employee's fitness for duty and any other recommendations.
12. Ensure that recommendations made by the EAP are implemented.
13. Be aware of domestic violence issues and their implications for the workplace.
14. Ensure that supervisors and employees are trained on this Policy and that all aspects of the Policy are adhered to.
15. Within 24 hours send a copy of the Workplace Violence final determination/resolution to the Department of Human Resources.

**Employee Assistance Program (EAP) Responsibilities**

1. Obtain reports on all incidents of Workplace Violence from the Agency's HR officer.

***Workplace Violence Policy***

2. Conduct a complete evaluation of the employee(s) to determine fitness for duty.
3. Prepare a written report for HR officer indicating employee's current fitness for duty, counseling or work-related recommendations.
4. Refer employee to appropriate treatment resources, monitor employee's progress and compliance with EAP recommendations.
5. Recommend to supervisor or HR officer when an employee may be safely returned to the workplace.

**Reporting**

- All City employees having knowledge of a violent act involving any other City employee shall report it.
  - (1) The employee shall report immediately the disturbance to his/her supervisor or department/agency director who shall in turn report to Agency HR and the Agency Head.
  - (2) The person filing the report may ask for anonymity during all or part of the investigation.
  - (3) At any time an employee is encouraged to submit recommendations and suggestions to enhance workplace security to the Workplace Incident Task Force.
- The Department of Human Resources will maintain a central database of all reported incidents of workplace violence. Agency HR Officers should send a copy of the Workplace Violence Incident Report (AM-227-1-2), the Workplace Violence Summary Sheet and the final determination to the Personnel Policy Analyst at DHR, 201 E. Baltimore St., Suite 300, Baltimore, Md. 21202.

**Disciplinary Actions**

Employees who violate this Policy will be subject to the following disciplinary action:

**Acts of Violence*****Physical Assault***

- Any incident of assault to another person(s), regardless of whether medical treatment is required, shall result in disciplinary action ranging from a 5-day suspension up to and including a recommendation for termination.

**Minor Destruction of Property**

- First incident of deliberate destruction of property resulting in insignificant damage shall result in a 5-day suspension without pay

## ***Workplace Violence Policy***

based on a decision made by the Agency’s HR office, referral to the EAP, and implementation of a Performance Improvement Plan.

- Second incident of same shall result in a recommendation for termination.
- In either case the employee responsible for the destruction will be required to make full restitution for the damage caused. If the employee is terminated or refuses to pay, the Law Department may file a lawsuit to recover damages.

### **Major Destruction of Property**

- Any incident of the deliberate destruction of property (City or private) resulting in significant monetary damage to or loss of valuable property shall result in a recommendation for termination.
- After termination, if the employee does not agree to restitution, a lawsuit for damages will be filed by the City’s Law Department.

### **Threats of Violence**

#### *Major Threat*

- Any incident of threat with the serious intention of causing bodily harm or the possession of a weapon shall result in a recommendation for termination.

#### *Minor Threat*

- First incident of threat of bodily harm with no serious intent or no possession of a weapon shall result in a 5-day suspension with or without pay, referral to the EAP and implementation of a Performance Improvement Plan. For factors associated with or without pay decision see Minor Destruction of Property above.
- Second incident of same shall result in a recommendation for termination.

**NOTE:** Any violation of a Performance Improvement Plan relating to the workplace violence incident will result in disciplinary action up to and including termination. Any first-time probationary or temporary employee involved in a violation of this policy shall be immediately recommended for termination. 5-day suspensions must be consecutive.

### **Workplace Incident Task Force**

Where major violence erupts, the Director of Human Resources will assemble a task force including members of the affected department, the Mayor’s Office, the Police Department, the

***Workplace Violence Policy***

Fire Department, the Office of the Inspector General, the Department of Human Resources, the Law Department and other departments as needed to conduct a post-incident response. All public information about violent incidents at a City workplace should be released only through the Department's public information officer or depending on the seriousness of the incident, the Director of Media Relations.

**Violence Assessment Committee**

A Violence Assessment Committee is established to identify existing or potential violence hazards and to determine appropriate preventive measures. The assessment should include inspecting security measures, analyzing records of violent incidents, and conducting screening surveys to learn about employees' concerns. Results of these assessments and surveys will be used to create the safest possible workplace environment.

**Education and Training**

1. The Department of Human Resources (DHR) Training Division and the Office of Inspector General (OIG) shall provide training to department and agency directors and supervisors on the methods and procedures to identify, prevent and handle violence at an early stage as well as the appropriate procedures to be taken in emergency and catastrophic emergency situations. Supervisor and manager training will also emphasize that this policy should never be used in a frivolous or vindictive manner.
2. Each department and agency director shall assure that all information regarding workplace violence is disseminated and understood by all employees. Employees will be required to sign a document (AM-227-1-5) verifying that they have received a copy of the policy. That signed document will be placed in the employee's personnel file. An employee's refusal to sign the document will be noted and a third party will be asked to sign instead stating that they witnessed the employee receiving the policy.
3. The DHR Training Division and OIG will provide ongoing training and periodically distribute information to employees on workplace violence.

**Related Procedures and Forms**

[AM-227-1-1](#) Procedures for Avoiding Physical Attack

[AM-227-1-2](#) Workplace Violence Incident Report

[AM-227-1-3](#) Memo – Protective Order Notification

[AM-227-1-4](#) Memo Sample – Performance Improvement Plan

[AM-227-1-5](#) Acknowledgement of Workplace Violence Policy