

CITY OF CLEVELAND
Human Resources Policies and Procedures
Workplace Policies

WORKPLACE VIOLENCE POLICY

I. Workplace Violence Policy

- A. The City of Cleveland endeavors to provide a workplace for City employees which is free from violence and the influence of violence. In doing so, the City fully supports both the language and spirit of laws as they relate to the safety and health of employees and citizens.
- B. The City of Cleveland's Workplace Violence Policy includes the recognition that a place of employment safe from the fear of violence is fundamental to the health and well-being of both employees and citizens. TO THIS END, IT IS THE CITY OF CLEVELAND'S POLICY TO PROHIBIT ANY FORM OF WORKPLACE VIOLENCE:
- C. It is also intended that existing management tools/policies such as the progressive discipline policy, sexual harassment policy and the Civil Service rules and regulations be utilized to secure the workplace from violence as well as protect employees from its effects, to the fullest extent possible.
- D. Persons engaged in workplace violence may also be personally subject to other civil or criminal liabilities.
- E. To ensure that The City of Cleveland maintains a workplace safe and free of violence for all employees, the City prohibits the possession or use of dangerous weapons on City property. This policy is applicable to all City of Cleveland employees, except those employees whose job description dictates otherwise (i.e. Police Officers). Any employee in violation of this policy will be subject to prompt disciplinary action, up to and including termination.
 - a. "City property" is defined as all City-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under the City of Cleveland ownership or control. This policy applies to all City-owned or leased vehicles and all vehicles that come onto company property.
 - b. "Dangerous weapons" include, but are not limited to, firearms, explosives, knives and other weapons that might be considered dangerous or that could cause harm. Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy.
 - c. The City of Cleveland reserves the right at any time and at its discretion to search all company-owned or leased vehicles and all vehicles, packages, containers, briefcases, purses, lockers, desks, enclosures and persons entering its property, for the purpose of determining whether any weapon has been brought onto its property or premises in violation of this policy.

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Employees who fail or refuse to promptly permit a search under this policy will be subject to discipline up to and including a termination.

- d. This policy is administered and enforced by the Department of Human Resources. Anyone with questions or concerns specific to this policy should contact the Department of Human Resources.

II. Definitions

- A. Workplace Violence is behavior or conduct consisting of but not limited to oral and written threats, harassment, intimidation, physical attack or property damage, either occurring at or arising from the employee's place of work with the City.
- B. Threat - is the expression of a present or future intent to cause physical or psychological harm. An expression constitutes a threat without regard to whether the person communicating has the present ability to do the harm and without regard to whether the expression is conditional, contingent or future.
- C. Harassment - is behavior or communication designed to intimidate, menace or frighten another person.
- D. Intimidation - is behavior or communication which includes but is not limited to stalking or engaging in actions intended to frighten, coerce or induce stress.
- E. Physical Attack - is unwanted or hostile physical contact including but not limited to hitting, fighting, pushing, shoving or throwing of objects.
- F. Property Damage - is behavior or conduct that contributes to the destruction of or damage to private or City-owned property.

III. Coverage

- A. This policy applies to all City of Cleveland employees whether full-time, part-time or seasonal status and with either permanent or temporary appointments. It also applies to volunteers and interns working with or under the guidance of City employees.
- B. Examples of workplace violence include, but are not limited to, instances in which:

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1. The conduct, behavior or communication is abusive and:
 - a. Could cause another person physical or psychological harm, or
 - b. Disrupts the work of an individual or group of individuals in the City of Cleveland's workforce.
2. The conduct, behavior or communication damages City or employee property.
- C. Workplace violence can originate with City of Cleveland employees or – outsiders, known or unknown to the victim and may be work related, personal or random.
- D. Violation of this workplace violence policy is presumed by any use or possession of an unauthorized firearm during working hours.
- E. A firearm's use or possession is unauthorized unless:
 1. Authorized in writing by the City of Cleveland for the employee's specific workplace, and is required as part of the employee's job duties with the City of Cleveland, or
 2. Connected with training received from the City in order for the employee to perform the responsibilities of his or her job with the City.

IV. Employee Responsibilities

- A. In a case of workplace violence, immediate action by victims or witnesses is especially necessary. Therefore, any employee who experiences or witnesses conduct, behavior or communication as proscribed by this policy must immediately notify his or her supervisor, the Director of the Department to which he or she is assigned, or the Director of the Department of Human Resources.
- B. The City maintains the right to inspect lockers, desks, packages, purses, lunch boxes and automobiles on City property for unauthorized firearms or other evidence of intention to violate this policy when there is reasonable suspicion of that individual's potential to violate this policy.
- C. The supervisor or manager who receives notice of workplace violence will notify his or her manager (Commissioner, Director), who will notify the Director of Human Resources.
- D. Upon being informed of an allegation of workplace violence, the Department of Human Resources and/or designee will investigate the matter and instruct the supervisor about how to proceed.

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- E. The employee will be notified of the outcome of the investigation and any corrective action taken.
- F. An employee accused of violating this policy may be removed from his or her position with pay until an investigation has been completed, if the manager believes that the continued presence of the employee represents a danger to himself/herself, other employees or non-employees.
- G. An employee may be authorized to return to City employment after an appropriate period of time has passed.
- H. An employee who does return to work may be referred to the City's Employee Assistance provider.
- I. The City may take appropriate disciplinary action, up to and including discharge, in instances of misconduct as judged by the City.
- J. Employees who knew of information about workplace violence or have reason to believe that violence may occur at or in connection with any activities of the City of Cleveland but did not act consistent with this policy may be subject to appropriate discipline, up to and including discharge.
- K. No employee will be subject to retaliation by the City for reporting workplace violence in good faith. Any report of workplace violence will be handled in a confidential manner with information released only on a need-to-know basis.

V. Management Responsibilities

- A. Specifically, management employees shall:
 - 1. Support the City of Cleveland's workplace violence policy and should maintain work environments safe from workplace violence as defined in this policy.
 - 2. Post the City of Cleveland's policy and procedures on maintaining work environments safe from violence, threats and harassment.
 - 3. Be aware of potential situations and conditions in which workplace violence may occur. The City's Director of Human Resources and/or the Labor Relations Manager shall be notified immediately of any allegations or reasonable suspicion of violence, threats and harassment and consulted regarding proper investigation and response.
- B. An Appointing Authority has the right, in limited circumstances, to inspect or authorize the inspection of employee property, including but not limited to lockers, desks, packages, purses, lunch boxes and automobiles on City property.

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The following guidelines shall be followed when conducting an inspection of employee property:

1. The inspection is limited to the purpose of locating unauthorized firearms or other evidence of a violation of or intention to violate this policy, and;
 2. There is reasonable suspicion of an individual's potential to violate this policy, or of an individual's actual violation of this policy, and;
 3. The Appointing Authority has notified and consulted with the Director of Human Resources prior to commencing the inspection, and the Director concurs with the decision of the Appointing Authority.
- C. The Appointing Authority shall take steps to ensure that the inspection is conducted in a discreet manner, with intent to maintain the dignity of the employee(s) subject to the inspection.
- D. For all inspections conducted under this policy, the Appointing Authority shall fully and clearly document his or her basis for reasonable suspicion, the method of the inspection, and the results of the inspection. Such documentation shall be forwarded to the Director of Human Resources.
- E. The Appointing Authority shall take preventive steps, including referral of employees to the City's Employee Assistance provider for evaluation and counseling in cases where violence has not occurred but is seen as a potential.
- F. The Appointing Authority shall take corrective steps, including, where appropriate, disciplinary action up to and including discharge whenever workplace violence occurs. All discipline administered shall be consistent with the applicable provisions of collective bargaining agreements and/or Civil Service rules.
- G. The Appointing Authority shall be alert to the possibility of violence, threats and harassment on the part of employees, citizens and any third parties (e.g., stalkers).

VI. Department of Human Resources Responsibilities

- A. The Department shall:
1. Advise all newly hired employees of the City of Cleveland's policy prohibiting workplace violence and communicate the policy to all employees and new hires.

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2. Investigate claims of workplace violence raised by employees or others.
 3. Advise managers on how to address and resolve workplace violence concerns in their area.
 4. Report to the Director of the department in which a claim of workplace violence has been made, as appropriate.
 5. Monitor policies and practices for compliance with the City of Cleveland's Workplace Violence Policy.
 6. Provide training on workplace violence prevention matters to ensure compliance with the City of Cleveland's policy when appropriate.
 7. Interact with, assist and coordinate with the Law Department, the City's Employee Assistance provider, Police Division, medical and psychological personnel, as well as departmental Directors, Commissioners and managers in implementing this policy.
 8. Work with departments on evaluating existing employee security measures.
- B. In a major incident of workplace violence against an employee, the Director of Human Resources or his or her designee will serve as coordinator in:
1. Mobilizing security
 2. Notifying the Mayor and Chief
 3. Contacting the City's provider of EAP Services
 4. Contacting other entities which may be needed such as the Law Department.
 5. Contacting the Press Secretary and providing information to staff
 6. Notifying family members of an injured or deceased employee

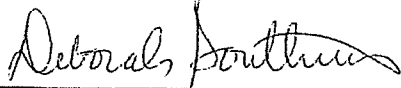
VII. Employees' Legal Rights

- A. Nothing contained in this policy is intended to be a substitute for your right to criminally prosecute anyone who has threatened, menaced, harassed, assaulted or otherwise perpetrated a crime against you.

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- B. If you believe a crime has been committed, you may contact the City Prosecutor's Office concerning the possibility of filing a complaint.

This policy has been issued under the authority of:



Signature

Director of Human Resources

Title

March 11, 2013

Date