

CITY OF VIRGINIA BEACH WORKPLACE VIOLENCE PREVENTION POLICY	Policy Number:	6.17
	Date of Adoption:	July 16, 2001
	Date of Revision:	Upon Approval
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1.0 PURPOSE:

The purpose of this policy is to prevent workplace violence in any form, whether verbal or physical, and to establish procedures to address allegations of workplace violence.

2.0 DEFINITIONS:

- 2.1 AMMUNITION:** is defined as any material intended for use in a firearm or other similar weapon, capable of being projected by a firearm or similar weapon and/or that makes the firearm or similar weapon operational.
- 2.2 ASSAULT:** is when an individual intends to threaten or scare another individual into believing they are going to be physically harmed. The act, gesture, or words must convey, and the victim must feel a sense of imminent threat.
- 2.3 AGGRAVATED ASSAULT:** is a completed or attempted attack with a weapon and an attack without a weapon in which the victim is seriously injured.
- 2.4 BATTERY:** an offensive touching or use of force on a person without the person's consent. The touching or use of force does not have to cause an injury but must make the victim fear imminent physical harm.
- 2.3 FIREARMS:** are defined as any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material. Firearms include but are not limited to a gun, rifle, pistol, shotgun, machine gun or gun designed to expel or discharge any projectile including but not limited to bullets, BB's, pellets, or shots, including paint balls, regardless of the propellant used.
- 2.4 HARASSMENT:** is showing an obsessive interest in another person to the extent a reasonable person would find the behavior frightening or intimidating under all the circumstances. Harassment for the purposes of this policy includes, but is not limited to stalking and repeated, unwanted verbal and/or written references to a grudge or to a romantic interest.
- 2.5 INTIMIDATION:** is engaging in actions or behavior intended to frighten, coerce, or induce duress.

- 2.6** **PHYSICAL ATTACK:** is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, or throwing objects.
- 2.7** **PROPERTY DAMAGE:** is intentional damage to property and includes property owned or leased by the City, employees, volunteers, and individuals who provide temporary services through an outside agency.
- 2.8** **R.E.S.P.E.C.T:** Report Employee Situations Promptly to Enable Change Together (R.E.S.P.E.C.T) is a 24-hour hotline and website where employees can ensure a safe, secure means to report concerns and issues.
- 2.9** **THIRD PARTIES:** are individuals who are not City employees, such as relatives, acquaintances, contractual workers, vendors, visitors, volunteers, citizens, or strangers.
- 2.10** **THREAT:** is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out, and without regard to whether the expression is contingent, conditional, or future.
- 2.11** **THREAT ASSESSMENT TEAM:** shall mean a group of individuals consisting of at least one representative each from the Department of Human Resources – Employee Relations, Department of Human Resources – Occupational Safety and Health Services, the Police Department, and the affected City Department.
- 2.12** **VICTIM:** is defined as an individual who has experienced or witnessed an act or acts of violence or threats of violence as outlined in this policy.
- 2.13** **VIOLENCE:** is any verbal or physical conduct that causes physical harm or causes fear of immediate physical harm but does not include lawful acts of self-defense or the defense of others. Violence includes, but is not limited to battery, assault, physical attack, beating, stabbing, suicide or attempted suicide, shooting, rape, property damage, threats, obscene phone calls, intimidating presence, and harassment of any nature such as stalking, shouting or swearing.
- 2.14** **WEAPONS:** are defined as a device, instrument, or object used to cause injury to person or property. Examples include, but are not limited to, firearms, projectile weapons, knives with fixed blades or pocketknives with blades longer than three (3) inches, any snap-blade or spring-blade knife regardless of the length of the blade, razors, metal knuckles, blackjacks, hatchets, machetes, bows and arrows, nunchakus (nunchucks), foils, collapsible batons, stun weapons, or any explosive or incendiary device. Stun weapon is defined as any device that emits a momentary or pulsed output which is electrical, audible, optical, or electromagnetic in nature and which is designed to temporarily incapacitate a person.

2.15 **WORKPLACE:** is any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, the buildings and the surrounding perimeters, including the parking lots, alternate work locations, and travel to and from work assignments. It further includes city owned or leased vehicles.

3.0 APPLICABILITY:

This policy shall apply to:

- 3.1** All part-time and full-time employees in all departments and agencies under the administrative authority of the City Manager and the City Council.
- 3.2** All applicants in consideration for employment with the City of Virginia Beach.
- 3.3** All temporary contract workers employed through temporary service agencies.
- 3.4** All volunteers providing services to the City.

4.0 POLICY STATEMENT:

- 4.1** It is the intent of the City to provide a safe and secure environment for City employees, volunteers, individuals providing temporary services through an outside agency, and citizens who conduct business on City property by establishing preventative measures and providing assistance and support where needed.
- 4.2** The City maintains a zero-tolerance policy towards workplace violence and threatening behavior.
- 4.3** The City does not tolerate inappropriate behaviors or acts of violence committed by or against employees; volunteers; individuals providing temporary services through an outside agency and citizens who conduct business at all city-owned, controlled, or leased properties.
- 4.4** This policy applies to the personal conduct of an employee while functioning in the course and scope of employment, whether on or off City property, riding in City owned or leased vehicles and to any off-duty violent conduct that adversely impacts a City employee's ability to perform his or her assigned duties and responsibilities or that is a threat or danger to coworkers, City buildings and/or City equipment.

- 4.5** The City is also committed to the development of preventative measures, including, but not limited to: workplace violence prevention practices, implementation of the R.E.S.P.E.C.T program, implementation of a Threat Assessment Team, as well as providing training on conflict resolution, an employee assistance program and other outreach and educational initiatives to increase employee awareness.

5.0 PROHIBITED VIOLENT CONDUCT:

5.1 Verbal Conduct

The City prohibits threats of violence. Any threat or act of violence will be treated as though the instigator was serious even if the person indicates he/she is joking, kidding or wasn't serious. Verbal conduct shall include the use of any method of communication such as email, comments posted on websites, social media sites, or other paper or electronic media. The following are examples of prohibited violent verbal conduct. This list is not intended to be an exhaustive list of prohibited conduct.

- A. Engaging in verbal conduct that creates a reasonable fear of physical harm to an identifiable person or persons.
- B. Engaging in verbal behavior that causes extreme emotional distress to a person or persons.
- C. Engaging in threatening verbal conduct based upon race, ethnicity, gender, sexual orientation, or other protected status.
- D. Engaging in threatening verbal conduct regarding the commission of a violent act including but not limited to: murder, rape, sexual assault, battery, aggravated assault, malicious wounding, stalking, smashing, crushing, hitting, or otherwise injuring an individual.
- E. Any verbal conduct that would be considered a crime by the Code of Virginia.
- F. Any verbal conduct that has the purpose of causing psychological harm and/or inducing fear will be treated the same as conduct that has the purpose of causing physical harm.

5.2 Physical conduct against an individual:

- A. Engaging in physical behavior that creates a reasonable fear of injury to an identifiable person;

- B. Engaging in physical behavior that causes emotional distress;
- C. Engaging in physically violent behavior based on race, ethnicity, gender, sexual orientation, or other protected status;
- D. Physically hitting, injuring, harming, or wounding an individual;
- E. Committing a battery, sexual assault, stalking, maiming, malicious wounding, wounding, killing, or other physical act that causes harm to an individual;
- F. Brandishing a weapon or firearm;
- G. Any physical conduct that has the purpose of causing psychological harm and/or inducing fear will be treated the same as conduct that has the purpose of causing physical harm.

5.3 Physical conduct causing property damage

6.0 PROHIBITION OF FIREARMS, AMMUNITION, AND WEAPONS:

- 6.1** City employees, volunteers, and individuals providing temporary services through an outside agency are prohibited from possessing, brandishing or using any weapon while working, while in a City vehicle and/or while in a City building in accordance with the City's Weapons Policy, 6.18.
- 6.2** Violation of the Weapons Policy, 6.18 may result in disciplinary action up to and including termination and/or referral to the police for possible criminal charges.

7.0 REPORTING VIOLATIONS:

- 7.1** Employees must report any matter that involves a violation or a potential violation of this policy. Reports can be made to your supervisor, by contacting Human Resources – Employee Relations (HR/ER) at 757-385-8949 or through the City's R.E.S.P.E.C.T system by calling 1-800-869-8522 or visiting www.vbrespect.com.
- 7.2** If supervisors receive information that one of their employees may have or is engaged in conduct that would be a violation of this policy, they shall take

the necessary steps to obtain information about the situation and immediately contact HR/ER.

- 7.3** In situations which are believed to be emergencies and individuals believe there is an immediate threat or danger to the health or safety of anyone should immediately contact the Police Department by dialing 911. To the extent possible, employees should inform their supervisor of the incident at the time it is occurring or report the incident to their department director or to HR/ER at 757-385-8949.
- 7.4** In non-emergency situations, if the employee, or the employee's supervisor, believes the conduct may constitute a criminal offense, the employee or the supervisor should contact the Police Department within a reasonable time to report the matter.
- 7.5** All reports of violence will be handled in a confidential manner, to the extent possible. Information will be released only on a need-to-know basis within the City and in accordance with federal and state laws and regulations.
- 7.6** The City shall take reasonable steps, including but not limited to the use of administrative leave pursuant to the Administrative Leave Policy, 3.17, to provide safeguards in the workplace after a report of workplace violence and pending any resulting investigation.
- 7.7** Employees who have personally obtained a protective order from a court against another employee, contract worker, volunteer, or other individual who the employee may come into contact with during the course of employment with the City, are required to advise their supervisor of the existence of the protective order.
- 7.8** Retaliation against any person who, in good faith, reports a violation of this policy is prohibited. Management shall be sensitive and responsive to the potential for fear of reprisal by employees who report threats or acts of violence.

8.0 THREAT ASSESSMENT TEAM:

- 8.1** The Threat Assessment Team shall be comprised of the Human Resources-Employee Relations Manager or designee serving as chair, members from Human Resources-Occupational Safety and Health Services (OSHS), Police, and the respondent's Department Director or designee. Members shall be identified by the relevant department director.

An attorney from the City Attorney's Office shall serve as legal advisor to the Threat Assessment Team. The Employee Relations Manager may identify other members as needed during the course of an investigation.

- 8.2** The Threat Assessment Team shall be alerted in response to all workplace violence allegations. It is charged with evaluating the available information regarding individuals whose behaviors may present a threat to the safety of the City's workplace and/or the public and to determine appropriate interventions in an effort to mitigate risk.

9.0 SEARCHES:

- 9.1** If the City believes employees may be in possession of prohibited weapons, they may be asked to consent to a search of their person. If the employee refuses to consent to the search of their person supervisors should immediately contact HR/ER at 757-385-8949.
- 9.2** The City reserves the right to search City Property including, but not limited to, offices, computers, computer files, computer drives, City vehicles, file cabinets, desks, and lockers for the purpose of ensuring compliance with this policy.

10.0 INVESTIGATIONS:

- 10.1** HR/ER shall be responsible for conducting investigations into all workplace violence complaints alleging violations of this policy.
- 10.2** After completing their investigation of a workplace violence complaint, if HR/ER finds that an employee has violated this policy, they will partner with the department's director or designee to determine the appropriate disciplinary action, up to and including dismissal. For other violators of this policy (including but not limited to: volunteers; individuals providing temporary services through an outside agency; and citizens), appropriate action should be taken based upon the totality of the circumstances.
- 10.3** In a case that involves a threat of violence, the supervisor shall take reasonable steps pending the outcome of the investigation to provide appropriate safeguards in the workplace.

11.0 EMPLOYEE ASSISTANCE PROGRAM (EAP):

- 11.1** In accordance with the City's Employee Assistance Program Policy, 5.02, counseling is available to employees who have received threats and to victims and witnesses of workplace violence, including the families of employee victims.

- 11.2 An employee who violates this policy and receives discipline other than termination shall receive a mandatory referral to EAP.
- 11.3 If an employee who receives a mandatory referral to EAP fails to attend an EAP session(s) or to follow the recommendations of the EAP representative, the employee will be subject to disciplinary action, up to and including dismissal.
- 11.4 Individuals not covered by the EAP Program will be referred to available community services.

12.0 CONSEQUENCES:

- 12.1 Employees who violate this policy will be subject to discipline, up to and including dismissal. Depending on all of the circumstances, dismissal may be the appropriate discipline even for a first infraction.
- 12.2 An employee who violates this policy and receives discipline other than termination shall receive a mandatory referral to EAP.
- 12.3 Individuals who violate this policy may also be subject to criminal charges and arrest if the conduct also was a violation of a federal or Virginia criminal statute.
- 12.4 An employee's off-duty violent conduct may be grounds for disciplinary action, up to and including dismissal pursuant to the applicable City policies.
- 12.5 Other violators of this policy (including volunteers, individuals providing temporary services through an outside agency, and citizens) will be subject to appropriate action based upon the totality of the circumstances.

13.0 RETALIATION PROHIBITED

Retaliation against any person who, in good faith, reports a violation of this policy is prohibited. Management shall be sensitive and responsive to the potential for fear of reprisal by employees who report threats or acts of violence.

14.0 APPLICABILITY OF OTHER POLICIES:

The following policies address topics that may be relevant to the issue of threats or violence in the workplace: Criminal Charge and Conviction Policy, 6.02; Discipline Policy, 4.02; and Employee Assistance Program Policy, 5.02.

15.0 REVISIONS:

The City Manager, or designee, may revise or rescind this policy, or any portion thereof, at any time.

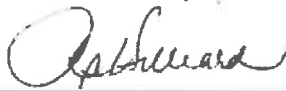
Revision History

Version	Revision Date	Description of Revision
1	Upon Approval	Revision History tracking started this date.
2	Upon Approval	Complete revision of the current policy.

Policy Title: Policy: Workplace Violence Prevention Policy, 6.17

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**Approved as
to form and
content:**

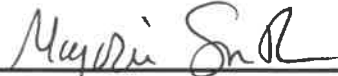


Regina S. Hilliard, Director of Human Resources

September 27, 2021

Date

**Approved as
to legal
sufficiency:**

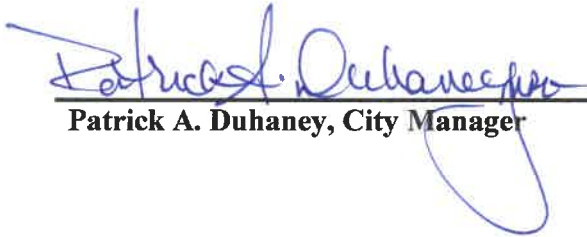


Marjorie A. Smith, Senior City Attorney

10/4/21

Date

Approved:



Patrick A. Duhaney, City Manager

10.8.2021

Date