

NEW CASTLE COUNTY

PERSONNEL POLICY

NUMBER 5.09

PAGE 1 of 4

DATE 08/03/12

SUBJECT: WORKPLACE VIOLENCE

APPROVED:

Valencia J. Best

OBJECTIVE: To create a climate in which safety is accepted as a common goal for employees and management, and to reduce the potential for violence in and around the workplace. This policy reaffirms New Castle County's commitment to a workplace free from violence and threats, and reinforces employee confidence that efforts are being made to see that employees are protected at work by strong, but fair measures.

STATEMENT: New Castle County ("County") will provide a reasonable degree of support and guidance to managers and employees, in a proactive manner to: (1) provide training for managers and employees in the identification, classification, investigation, and actions to be taken with respect to threats and acts of violence, (2) identify problem situations and risk factors with employees, (3) engender a culture that does not tolerate bullying or intimidation, (4) foster trust amongst employees and between employees and management, (5) facilitate good communications, and (6) apply consistent discipline and enforcement of County policies.

The County will not tolerate or ignore threats of or acts of violence, threats or intimidation committed by or against County employees, volunteers, or members of the public while on County property, or while performing County business at other locations; and will make reasonable efforts to secure the workplace from violence. All incidents shall be reported, assessed and acted upon in accordance with this policy. Unlawful acts will be prosecuted as appropriate.

DEFINITIONS:

1. "Violence" includes threats, physical abuse, mental and physical intimidation, stalking, telephone harassment, vandalism, arson, sabotage, obscene telephone calls, possession of a deadly weapon or dangerous instrument, outbursts of anger, belligerence, bullying, etc.
2. A "threat" is any behavior, verbal or nonverbal communication or expression that would lead a reasonable person in similar circumstances to the belief that an act has occurred or may occur which may lead to physical and/or psychological harm to that person or others.
3. "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used, attempted to be

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PAGE 2 of 4

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used or threatened to be used, is readily capable of causing death or serious physical injury, or any electronic control devices including but not limited to a neuromuscular incapacitation device designed to incapacitate a person.

4. "Deadly weapon" includes a "firearm", a bomb, a knife of any sort (other than an ordinary pocketknife carried in a closed position), switchblade knife, Billy club, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain or ice pick. For the purpose of this definition, an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length.
5. "Firearm" includes any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable, loaded or unloaded. It does not include a BB gun.
6. "Workplace" covers any county-owned building, as well as any location, whether permanent or temporary, where employees perform their work-related duties. Workplace also covers leased facilities, building perimeters, parking lots, and any location where county business or county sponsored activities are conducted.

Reporting Procedure:

1. In the event of an imminent threat or danger, employee(s) should retreat immediately to safety and contact 911. When in a secure location, their immediate supervisor should be contacted, except as provided in #2 below, in which event the General Manager (GM) or Row Officer or ranking employee should be contacted, who should notify the Office of Human Resources (HR), Risk Management and the Site Facilitator for the location involved.
2. Any employee who is the subject of or observes any form of violence, as defined in the Definitions section above (#1), shall report the incident to his or her immediate supervisor, who shall notify the GM or Row Officer or ranking employee. If the immediate supervisor is in

NEW CASTLE COUNTY

PERSONNEL POLICY

NUMBER 5.09

PAGE 3 of 4

DATE 08/03/12

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any way involved or in concert with the violence, the employee may report same directly to the GM or Row Officer or ranking employee. In the event the employee is uncomfortable reporting the incident within his or her department, a report may be made directly and confidentially to the Chief Human Resources Officer (CHRO).

3. Any such report shall be conveyed to HR immediately, both by phone and in a report on a form provided for same by HR. Any report that appears to involve a violation of criminal laws shall also be reported to law enforcement by HR.
4. Names of persons who report, in good faith, such violence shall remain confidential, as permitted by law. These employees shall not be subject to retaliation, retribution or harassment by County officials or other employees as a result of their report.
5. Employees who make such reports should be provided with feedback on the status of investigations and dispositions, subject to confidentiality rules as deemed appropriate by the CHRO.
6. If there is no imminent threat or danger, the CHRO shall determine the most appropriate and timely action to be taken in accordance with this policy.

Discipline:

1. Discipline might not be appropriate in each case, since measures such as counseling may be more effective to deter violence, subject to existing NCC Discipline Policy 1.00 guidelines.
2. Where deemed appropriate, discipline should be implemented in accordance with and subject to existing discipline policy guidelines that serve as both an appropriate penalty for past conduct and a deterrent against future offenses.

NEW CASTLE COUNTY

PERSONNEL POLICY

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PAGE 4 of 4

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Required Actions:

1. All employees are responsible to: (1) refrain from threats or acts of violence, (2) seek assistance through the appropriate management authority to resolve issues that may lead to acts of violence, (3) immediately report any threatening or dangerous situations they become aware of to the appropriate management authority.
2. Department GMs and Row Officers are responsible for: (1) implementing this policy and communicating it to employees, (2) responding to reports of or threats of violence.
3. The CHRO will work with the departments in (1) assessing situations in consultation as deemed necessary with law enforcement, mental health professionals and other specialists, and the Threat Assessment and Incident Response Committee, (2) investigating all threats or violence in accordance with the Workplace Violence Policy (3) making determinations as to the appropriate response, (4) documenting reports, assessments, and actions taken as appropriate, (5) maintaining written records of all threats, incidents and actions in the departments, in a designated central location with HR, and (6) analyzing and monitoring results and actions evaluated.
4. The County reserves the right to conduct searches and inspections of employee work station(s), offices, lockers, filing cabinets, etc. to the extent permitted by law.

Established: 04/01/01

Revised: 08/03/12