

CITY OF OAKLAND

ADMINISTRATIVE INSTRUCTION



SUBJECT/AGENCY	Workplace Violence Prevention Plan (Human Resources Management)	NUMBER	544
REFERENCE	ASIS/SHRM WVPI.1-2011 (as amended) CALIFORNIA SENATE BILL 553	EFFECTIVE	October 24, 2024
SUPERSEDE	AI 544, Dated June 1, 1995		

I. PURPOSE

The City of Oakland is committed to providing a safe workplace free from acts and/or threats of violence. This plan establishes sets guidelines and procedures for responding to and preventing violent/potentially violent situations in the workplace. Further, this plan establishes a Threat Assessment Team (“TAT”) to promptly investigate and respond appropriately to threats and incidents of violence when they occur and to identify, report, track, and analyze violent incidents to reduce the likelihood of re-occurrence.

II. POLICY

The City of Oakland promotes a safe work environment that is free from violence and threats of violence.

Zero Tolerance for Threats and/or Acts of Violence

The City prohibits employees from making threats of violence and/or committing acts of violence. This prohibition includes, but is not limited to, the following types of behavior:

- a. Physical attack (e.g. any unwanted contact such as hitting, fighting, pushing, slapping, punching or throwing objects whether intentionally aimed at a person or not), direct threats or physical intimidation, implications or suggestions of violence on City premises or while conducting City business;
- b. Acts or threats that a reasonable person would perceive as intimidating, abusive, threatening, bullying, coercive, or fear- inducing, and/or acts or threats made directly or indirectly by oral or written words, gestures, or symbols that communicate a direct or indirect threat of physical harm toward others including co-workers, vendors, contractors, suppliers, members of the public, and visitors to the City of Oakland premises or its service areas;
- c. Stalking, including but not limited to, repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family);

- d. Possessing, transporting, wearing, or storing firearms, or other dangerous weapons of any kind, on City owned or operated property unless such possession or use is a requirement of the job.
- e. Physical restraint, confinement;
- f. Dangerous or threatening horseplay;
- g. Blatant or intentional disregard for the safety of others;
- h. Commission of a violent felony(a crime consisting of conduct that presents a serious risk of potential injury to another) or misdemeanor on City property and/or in connection with City business;
- i. Willful destruction of City property or the property of others engaged in City business;
- j. Engaging in acts of sabotage directed towards the City or any individual associated with the city; and
- k. Any other act that a reasonable person would perceive as a threat of violence.

If an investigation substantiates a violation of City or Departmental policy(s), the City will take appropriate disciplinary action, including and up to termination and could result in the filing of criminal charges.

Duty to Report

The City requires employees to report threats or acts of violence in accordance with this plan. No adverse action will be taken against anyone who, in good faith and with reasonable belief, makes such a report, even if the City is unable to substantiate the allegations.

Failure to timely report and/or obstruction of reporting a threat or act of violence may also lead to discipline up to and including termination.

Anyone who observes an act(s) of violence, imminent violence, or criminal conduct should report such observations to their Supervisor and/or Manager. The Supervisor, Manager and/or employee will contact Oakland Police Department by calling Emergency Service Ex.911. Reports of a non-emergency nature must be made to the employee's supervisor or manager or Director; if none of those individuals are available/appropriate, then the report must be made directly to a member of the TAT.

III. Definitions

<u>Term</u>	<u>Definition</u>
Off-the-Job Incidents	Violent incidents or threats that occur away from the workplace during non-work hours. This is inclusive of electronic threats.
On-the-Job Incidents	Violent incidents or threats that occur at the workplace or during work hours.
Public	Any non-City employee(s) (e.g., visitors, vendors, residents, contractors, suppliers, merchants, inspectors, volunteers, etc.).
Threat	An expression of intention to hurt, punish, intimidate etc. Threats of violence include threats against people or property. <i>For the purpose of this Administrative Instruction, Threats includes the prohibited behaviors listed in Section II: Policy, by incorporation.</i>
Threat Assessment Process	A process using tools and or professional judgment to assess the chance that violence will occur, be repeated and/or will get worse.
Threat Assessment Team (TAT)	A team of City employees who are assigned the responsibility to evaluate individual incidents; to develop a plan of action and follow-up; and to manage incidents when they occur.
Violence	Intentional physical force used to cause injury or mental or emotional harm. <i>For the purpose of this Administrative Instruction, Violence includes the prohibited behaviors listed in Section II: Policy, by incorporation.</i>
Weapon	Gun, knife, or other instrument/material designed or used to inflict bodily harm or destroy property.

IV. PROCEDURE FOR REPORTING THREATS OR INCIDENTS OF VIOLENCE

Employees shall report any person (e.g., employee, vendor, member of the public, or visitor) who threatens, attempts, or commits an act of violence against them or a co-worker. Employees shall also immediately report any person suspected of, or known to be carrying, transferring, or selling a weapon on City property or while on City time, if such actions are not a requirement of that person's job duties.

Reports must be made to the employee's supervisor and/or manager if they are not available, then the employee must report the incident directly to the Department Director. If the Director is also not available/appropriate, then reports must be made directly to a member of the TAT listed below. Acts of physical violence, presence or wielding of unauthorized weapons, imminent or credible threats to safety shall be reported to emergency services EX. 911.

Managers/supervisors receiving the initial report shall perform a preliminary investigation and report their initial findings to their Director. The Director shall report the incident and initial findings to a member of the TAT. Directors receiving the initial report shall perform or assign a competent individual in their department to perform a preliminary investigation and report the initial findings to a member of the TAT.

The TAT Leader and delegates are listed below:

Risk Manager	(510) 238-7165
Employee & Fleet Safety Coordinator	(510) 238-4993

V. ORGANIZATIONAL RESPONSIBILITIES

A. Employee Responsibility

Employees shall refrain from acts or threats of violence. Employees must treat co-workers and members of the public with respect and dignity. Employees with personal or family challenges are encouraged to seek assistance through confidential counseling resources, such as the City's Employee Assistance Program.

Employees are required to cooperate with investigations and participate in good faith in any intervention method recommended by the TAT or the TAT Leader. Methods of intervention may include conflict resolution or mediation processes designed to assist in addressing normal, work-related interpersonal tensions and conflicts that might arise among co-workers. Employees who fail to cooperate and/or participate in good faith with an investigation, inquiry, or intervention method may be subject to disciplinary action, up to and including termination. Employees subjected to violence, sexual violence, stalking or harassment shall not be required to participate in conflict resolution with their aggressor.

All City employees are required to complete the annual training to ensure a violence-free workplace.

B. Departmental Responsibility

Department managers and supervisors shall take all threats or acts of violence seriously and shall quickly assess the immediacy of the situation. Managers and supervisors shall take reasonable actions to safeguard employees, including calling emergency services EX. 911 if appropriate, and follow the instructions above in Section IV. Managers and supervisors who fail to timely report and investigate threats or acts of violence under this policy may be subject to disciplinary action, up to and including termination in accordance with applicable City policies and Administrative Instructions.

The Department Directors or their designated representative(s) are responsible for communicating this Policy to all employees upon hire and annually thereafter. The Department Directors shall ensure that employees participate in violence prevention training annually. Violence prevention training is available through the City's web-based training or from Risk Management by request. Finally, Department Directors are responsible for implementing response action plans should such a plan be directed by the TAT.

COMPLIANCE

For supervisors: supervisors need to be familiar with the incident report (Addendum A) and should be provided with specific departmental training to review the incident report, how to complete it, and the timelines for completion.

VIOLENT INCIDENT INVESTIGATION.

The Department's Director or his/her designated representative is responsible for completing the incident investigation within seven (7) calendar days of an incident. As required by SB 553 (Section 6401.9 of the Labor Code), completed reports shall be made available to the employee(s) involved (and their bargaining unit) within fifteen (15) days from the date of the request.

Procedures for investigating violent incidents may include the following:

- A visit to the incident scene as soon as possible.
- Interviews of threatened or injured workers and witnesses.
- Examination of the workplace for factors associated with workplace security, including any previous reports of inappropriate behavior by the perpetrator. Photographs shall be taken if evidence exists as supporting documentation. Document Police incident Report Number associated with incident if applicable.
- Determination of the cause of the violent incident.
- Examination of the workplace for factors associated with workplace security, including any previous reports of inappropriate behavior by the perpetrator.
- Determination of the cause of the violent incident.

VIOLENT INCIDENT LOG COMPLETION.

Supervisors must complete the incident log (Addendum C) and forward the report to Risk Management (after completion of the investigation. The intent of the log is to identify trends and opportunities for further hazard reduction while maintaining the confidentiality of the employees involved in a violent incident. Identifying a record number (as shown with an example in addendum C) instead of employee names allows

tracking while protecting confidentiality. The log and supporting materials should be maintained and audit ready as to respond to any CAL/OSHA inquiry and/or inspection.

C. TAT (Threat Assessment Team) Leader Responsibility

The TAT Leader or delegate is responsible for investigating and evaluating reports of threats or acts of violence. Assessment and determination will be made on a case-by-case basis as to the credibility/severity of the reported incident and whether the reported incident falls under this Administrative Instruction. During the assessment period, the TAT Leader or delegate may request non-punitive paid administrative leave in the interest of employee safety or to support a cooldown period. If such leave is approved by the City Administrator, the TAT Leader will ensure that both the associated Department and employee's Union are notified.

Based on the initial assessment, one of the following shall occur:

- 1) The incident report may be returned to the Department for further investigation and/or handling.
- 2) The incident report may be forwarded to another Department for handling, if and when it would be more appropriate.
- 3) The TAT Leader or delegate may perform an independent investigation of the incident.
- 4) The TAT Leader may convene a TAT consisting of designated City Employees, with outside professional experts as needed, to investigate the incident and formulate a response action plan.

If a response action plan is required, the TAT Leader will report the recommended action plan to the Department Director and to the City Administrator. The TAT Leader or designee will monitor the Department's implementation of the action plan.

D. TAT Responsibility

If determined necessary by the TAT Leader, the TAT Leader will convene a TAT. A TAT will consist of designated City Employees and, if needed, outside professional experts. The composition of a TAT will vary depending on the incident, but may include individuals from the following: Human Resources/Risk Management, Employee Relations, City Attorney's Office, Representatives from originating Department, the City Administrator's Office, Oakland Police Department, Employment Investigations and Civil Rights Compliance, Employee Assistance Program (external vendor), City Physician (external vendor), and/or workplace violence psychologist/consultant.

Once convened, a TAT will complete an assessment, which may include collecting additional data and further screening of available information for risk potential. A TAT may utilize external resources to determine next steps in the development of an action plan. Examples of outcomes include, but are not limited to, determining appropriate law enforcement steps, additional background investigation, professional risk assessment, defusing/treatment interventions, legal guidance and actions, disciplinary actions, and/or workgroup/victim interventions.

A TAT will develop a plan of action for mitigating or minimizing the potential for violence. This action plan will be reported to the City Administrator and Department Director through the TAT Leader for action and follow-up.

A TAT action plan may include the following steps:

- 1) Damage and impact assessment;
- 2) Development and implementation of a comprehensive communications plan;
- 3) Inspection, repair and cleaning of affected facilities;
- 4) Specific efforts to restore and recover processes consistent with an evaluation of key priorities and a determination of effective sequencing and timing;
- 5) Attention to actions specifically required to resume operations including addressing the emotional needs of employees and the establishment of a “current circumstances assessment” that gives appropriate consideration for the violent incident that occurred, and the steps that will be taken to appropriately and sensitively restore the workplace to full productivity; and/or
- 6) Ongoing monitoring of the well-being of all personnel affected by the incident.
- 7) Provide additional training when a new or previously unrecognized workplace violence hazard has been identified and/or when changes are made to the plan.

All actions recommended by the TAT Leader or the TAT will be done in consideration with existing policy and procedures, past practice, severity/credibility of threat, and available industry best practices guidelines (e.g. ASIS/SHRM WVPI.1-2011 as periodically amended).

For more information about this policy, contact Risk Management at 238-7165.



JESTIN JOHNSON
City Administrator

Addendum A- Violent Incident Report

Violent Incident Report Instructions

The supervisor receiving a report of workplace violence must complete this form with as much detail as possible to support an investigation. The original report must be forwarded through all appropriate levels of supervision to Department Head or their Designee. The department must maintain the original form. DHR will maintain a copy.

Employee Information

Reporting Employee: _____
Affected Employee(s): _____
Affected Employee(s) Job Title(s): _____
Department: _____
Facility Address: _____

Incident Information

Date incident occurred: _____ Time incident occurred: _____
Specific address and detailed description of description where incident occurred (i.e. empty hallway, warehouse bathroom):

Definitions of Violent Incident Types

- Type I violence: workplace violence committed by a person who has no legitimate business at the worksite and includes violent acts by anyone who enters the workplace or approaches employee with the intent to commit a crime.
- Type II violence: workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.
- Type III violence: workplace violence against an employee by a present or former employee, supervisor, or manager.
- Type IV violence: workplace violence committed in the workplace by a person who does not work there but has or is known to have had a personal relationship with an employee.

Checklist of Questions to Answer After a Violent Incident

1. Which type of person threatened or assaulted the employee(s)?

Type I: Stranger Thief/Suspect Other

Type II: Client/Customer Passenger Person in Custody Patient Visitor

Type III: Current Co-worker Former Co-worker Supervisor/ Manager

Type IV: Current Spouse or Partner Former Spouse or Partner Employee's Friend
 Employee's Relative Family/friend of client or patient

2. What type of violent incident occurred (check all that apply)?

Verbally harassed Verbally Threatened Physically Assaulted Punched

Slapped Grabbed Pushed Choked Kicked Bitten

Hit with Object Threatened with Weapon Assaulted with Weapon Animal Attack

Other (Describe): _____

3. Was a weapon used? Yes No

Describe the incident:

4. Was/were the employee(s) working alone? Yes No

If not, who was/were with the employee(s) that may have witnessed the incident?

5. Were there threats made before the incident occurred? Yes No

If yes, was it ever reported to the employee's supervisor or manager that the employee(s) was/were threatened, harassed, or was/were suspicious that the attacker may become violent?

6. Are you willing to testify against the Respondent in Court to obtain a restraining order?

Yes No

Addendum B- Violent Incident Investigation

The Department Head or Designee will complete the investigation into the violent incident. Further investigation and resolution of the incident is expected within seven (7) days in addition to submitting a copy of the completed investigation to DHR.

Incident Analysis To be completed by DH/ HR Professional:

Has this type of incident occurred before at the workplace? Yes No What were the main factors that contributed to the incident?

What could have prevented or at least minimized the damage caused by this incident?

Post-Incident Response

- Yes No Did the employee(s) require medical attention as a result of the incident?
- Yes No Did the employee(s) miss work as a result of the incident?
- Yes No Did the employee(s) apply for workers' compensation?
- Yes No Was security contacted?
- Yes No Was building facilities contacted?
- Yes No Was immediate counseling provided to affected workers and witnesses?
- Yes No Was critical incident debriefing provided to all affected staff who desired it?
- Yes No Was post-trauma counseling provided to affected staff who desired it?
- Yes No Was all counseling provided by a professional counselor?

Has there been follow-up with the Employee(s)? Yes

No Is this a recurring event? Yes No

Are there modifications to be made to WVPP to reflect updated practices? Yes No

Describe updates to WVPP _____

Investigation completed by: _____

Department/Job Title: _____

Date: _____ Phone number: _____

Email: _____

Addendum C- Violent Incident Log and Instructions

Every workplace violence incident is reported and recorded in a violent incident log. Any element of personal identifying information sufficient to allow identification of any person involved in a violent incident will **NOT** be recorded. Such personal identifying information includes the person’s name, address, electronic mail address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, could reveal the person’s identity.

Upon receipt of report, DH assigns a number system for tracking including date of report, Department, initials of who completed the log entry, without including employee name. Tracking and trending should include date, time and location, violence type, type of assault, and incident detailed description.

It is expected that the logs will be forwarded to DHR on a timely basis.

Departments are expected to review the data at least quarterly and make improvements to prevent further incidents. Template Log is below:

Log #	Person who completed the Log	Incident Date	Incident Time (24-hour, military)	Physical Location	Violence Perpetrator(s) Type, e.g., I stranger; II: client; III: employee (current or former); IV: Personal relationship	Incident Type, e.g., Verbal threats, Physical attack	CAT Notified Y/N	Police Notified Y/N
Example: DHR1-5-1-24	John Do	5/1/24	11:05a	1 FHOP 2 th floor	III	Verbal	Y	Y