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DISCRIMINATION COMPLAINT PROCESS

Purpose:

To provide all employees or applicants of the California State Council on Developmental Disabilities with the Department's employment discrimination complaint process.

Authority/Reference:

Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000 (1964)).
Age Discrimination in Employment Act of 1967 (29 U.S.C. § 633a).
Fair Employment and Housing Act (Government Code § 12940 et. seq. and Government Code § 19572).
Americans with Disabilities Act of 1990 (42 U.S.C. § 12101).
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000 ff).
Rehabilitation Act of 1973 (29 U.S.C. 791 § 501 and 505).
Government Code § 19702.
Ralph Civil Rights Act (Government Code § 51.7).
Unruh Civil Rights Act (Government Code § 51 et. seq.).
Government Code § 18500.

Applies To:

Councilmembers, Committee members and staff

POLICY

Policy Statement

This policy has been developed to facilitate the resolution of discrimination complaints at the lowest level possible and in the fairest, most timely manner.

DEFINITIONS

Discrimination: is defined as any unfair employment practice or behavior that treats individuals differently based on a protected class. The law forbids discrimination or harassment when it comes to any aspect of employment,

including but not limited to, hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits and any other term or condition of employment.

Protected class/basis: means an individual's characteristic which is protected by federal and/or state law. Protected classes/bases are age, ancestry, color, disability, gender identity, gender expression, genetic information, marital status, medical condition, national origin, political affiliation, race, religious creed, retaliation (for filing a discrimination complaint), sex (including sexual harassment), sexual orientation and veteran/military status.

Harassment: is offensive conduct occurring within the scope of employment directed at an individual (or group) because of their membership in a protected class. Harassment of a person based upon that person's protected class can also be a form of discrimination. Harassment becomes unlawful where:

- Enduring the offensive conduct becomes a condition of continued employment.
- The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

For more information on sexual harassment see the Sexual Harassment Zero-Tolerance Policy.

Retaliation: is an adverse employment action taken against a Councilmember/employee because he/she reported discrimination or harassment, files a discrimination or harassment complaint, or participates in a discrimination investigation.

Third-Party: is an individual(s) who interacts with SCDD Councilmembers/employees and is not considered an employee.

Employee: as used in this policy only, means an individual who works for this agency, whether full or part time, receives pay, and has an employee identification number. For this policy only, this definition also includes individuals who have signed an employment agreement or contract to provide services to or on behalf of the SCDD, as well as recognized interns (paid or unpaid), and volunteers.

Person: as used in this policy only, means a member of the public conducting business with this agency or receiving services from this agency, such as a vendor, licensee, third party or claimant.

EXAMPLES OF PROHIBITED BEHAVIOR

While it is not possible to list all circumstances that may be considered discrimination or harassment, some examples of conduct that may violate SCDD's Discrimination and Harassment Policy include, but are not limited to, the following:

- Making derogatory or offensive comments, slurs, jokes, remarks, rumors, put-downs, ridicule, mockery or epithets.
- Displaying objects, cartoons, pictures or posters of a derogatory or discriminatory nature.
- Treating an individual differently based on the individual's membership in one of the protected classes.
- Implying to withhold or withholding support for an appointment, promotion, transfer, or change of assignment.
- Initiating a rejection during probation or an adverse action without a justified nondiscriminatory business related reason.
- Displaying, transmitting or forwarding Internet material of a discriminatory and/or offensive nature.
- Engaging in retaliation or threats against anyone who alleges discriminatory, harassing or offensive behavior.

Comments or behavior that may be perceived as unfair may not necessarily be unlawful or a violation of this Policy. Employment actions may be perceived by the employee as harsh, insensitive or unjust, but they do not become unlawful

under the above laws or violate this Policy unless the unfair treatment is motivated in part because of a person's protected class.

Petty slights, minor annoyances or a simple lack of good manners, while discouraged, may not necessarily violate this Policy. The mere fact an employee is displeased by an individual's act or omission, does not elevate that act or omission to a Policy violation.

RETALIATION

Actions of retaliation taken against individuals, who report or file complaints of discrimination or harassment or for individuals providing information during a complaint investigation, are strictly prohibited. SCDD will not tolerate any retaliation against any individual(s) that, in good faith, reports and/or provides information in an investigation of a complaint of discrimination or harassment, regardless of whether the claim of discrimination or harassment is determined to be valid or unfounded.

CONFIDENTIALITY

SCDD has an obligation to address complaints of discrimination and harassment. The EEO Office and others responsible for implementing this Policy will respect the confidentiality and privacy of individuals involved in an investigation to the extent possible. SCDD cannot guarantee complete confidentiality where it would conflict with the obligation to investigate meaningfully or, where warranted, to take corrective action.

All SCDD employees who take part in any of the procedures under this Policy are expected not to reveal any information they learn in the course of the proceedings with anyone other than EEO staff and their own personal legal counsel or union representative. Breaches of confidentiality jeopardize the investigation and resolution of allegations and may lead to disciplinary action.

All employees are required to cooperate with EEO investigations and tell the truth. Employees who do not cooperate or who compromise the integrity of the investigation may be subject to disciplinary action.

EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is available as a resource for employees who desire counseling for stress, interpersonal conflicts, legal issues and/or other concerns. Employees may contact the SCDD Personnel Office at (916) 263-8121 for more information regarding the EAP or Magellan Healthcare at (866) EAP-4SOC (1-866-327-4762). TTY users should call (800) 424-6117. The EAP is a confidential program.

CONTACT INFORMATION

Questions regarding this Policy should be referred to the EEO Office at:

**State Council on Developmental Disabilities
Equal Employment Opportunity Office**
Phone: (916) 263-8121

Most Recent Action

Revisions approved by Legal and HR April 25, 2018.

DRUG FREE WORKPLACE STATEMENT

Purpose:

To comply with the Federal Drug-Free Workplace Act of 1988, and continue receiving federal grants and contracts, state agencies must certify that they provide drug-free workplaces and have issued drug-free workplace statements with these provisions to their employees.

Authority/Reference:

Federal Drug-Free Workplace Act of 1988
Title 2, Article 29, Rule 599.960 of the California Code of Regulations

Applies To:

Councilmembers, Committee members and staff

POLICY

Policy Statement

To comply with the Federal Drug-Free Workplace Act of 1988, and continue receiving federal grants and contracts, state agencies must certify that they provide drug-free workplaces and have issued drug-free workplace statements with these provisions to their employees.

It is the policy of the State of California (refer to Title 2, Article 29, Rule 599.960 of the California Code of Regulations) that the state workplace be free from the effects of drug and alcohol. This is to avoid the dangers arising from substance abuse in the workplace. These dangers include death and injury to the employee, co-workers, or the public resulting from accidents, dereliction of duty, poor judgment and carelessness. Substance abuse also results in lost productivity, reduced efficiency, and increased absenteeism by the substance abuser and interferes with the job performance of employees who do not use illegal or unauthorized substances.

This policy, which is consistent with Government Code Section 19572 and the Governor's Executive Order D-58-86, states that no state employee who is on

duty shall (1) use, possess, or be under the influence of illegal or unauthorized drugs or other illegal mind-altering substances; or, (2) use or be under the influence of alcohol or any other legal substances to any extent that would impede the employee's ability to perform his or her duties safely and effectively; and (3) Perform duties that pose a threat to the health or safety of the employee or others due to drugs taken under a legal prescription. Furthermore, no employee shall perform duties which, because of drugs taken under a legal prescription, the employee cannot perform without posing a threat to the health and safety of the employee or others.

California law also prohibits the unlawful manufacture, dispensation, possession, or illegal use of a controlled substance. That prohibition extends to all places and includes the worksite of California State Employees.

Employees convicted of a violation of a criminal drug statute when the violation occurred at a state employee's worksite shall report the conviction to the state agency within five (5) days of the conviction.

In the event of the unlawful manufacture, distribution, dispensation, possession or illegal use of a controlled substance at a state worksite, the state may take disciplinary action pursuant to applicable Government Code sections and/or require the satisfactory completion of a drug abuse assistance or rehabilitation program.

The state Employee Assistance Program (EAP) provides drug problem assessment and referral to appropriate counseling and rehabilitation services. The EAP is available to all state employees. Procedures exist to ensure the confidentiality of EAP records. Contact your personnel office for further information.

It is the intent of the state that each state employee abides by the terms of this Drug-Free Workplace Statement.

Most Recent Action

Provided to all SCDD Staff December 30, 2015

SEXUAL HARASSMENT POLICY

Purpose:

To inform Councilmembers and staff of the State of California's zero tolerance policy for all acts of sexual harassment.

Authority/Reference:

Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000 (1964)).
Fair Employment and Housing Act (Government Code, § 12940 et. seq. and Government Code § 19572).

Applies To:

Councilmembers, Committee members and staff

POLICY

Policy Statement

The State Council on Developmental Disabilities (SCDD) is committed to providing a workplace in which all individuals are treated with respect and dignity. No person should endure sexual harassment in the workplace. All SCDD employees, including contract employees, interns and volunteers, are subject to this Policy regardless of their employment status. This Policy applies to any location that can be reasonably regarded as an extension of the workplace such as any off-site social or business function or any other non-SCDD facility where SCDD business is being conducted. The SCDD is also committed to preventing sexual harassment toward individuals receiving services by the SCDD.

ZERO TOLERANCE

The SCDD has zero tolerance for all acts of sexual harassment. The SCDD is committed to providing all employees a safe work environment free from sexual harassment. A zero-tolerance policy means working to prevent any inappropriate behavior. A Councilmember/employee's action does not need to be severe or pervasive to be in violation of this Policy. The Councilmember/employee may be subject to a disciplinary action, up to and including dismissal, for violating this Policy.

The SCDD recognizes that false accusations of sexual harassment can have a serious effect on an innocent Councilmember/employee's reputation and character. Therefore, any Councilmember/employee found to have provided untrue information may be subject to disciplinary action.

Supervisors and managers may be subject to disciplinary action for failure to take appropriate and expedient action to ensure a work environment free of sexual harassment.

EMPLOYEE RESPONSIBILITIES

Any Councilmember/employee or individual who believes that they have been sexually harassed has a responsibility to immediately report the potential Policy violation to their supervisor and/or manager or to the SCDD's Equal Employment Opportunity (EEO) Office. The SCDD must be aware of sexual harassment in order to take appropriate corrective action. If the alleged harasser is the employee's supervisor or manager or if the employee is not comfortable reporting the sexual harassment to that individual, employees should report the behavior to another supervisor or directly to the EEO Office.

The EEO Office can be reached at:

**State Council on Developmental Disabilities
Equal Employment Opportunity Office**

Phone: (916) 322-5521

In addition, Councilmembers/employees have an obligation to:

- Adhere to this Policy.
- Refrain from engaging in, condoning, tolerating or ignoring conduct that violates this Policy.
- Cooperate with any investigation regarding an alleged violation of this Policy.
- Report the potential Policy violation to their supervisor and/or manager or to the SCDD's Equal Employment Opportunity (EEO) Office.

SUPERVISOR AND MANAGER RESPONSIBILITIES

Supervisors and managers are expected to know and implement this Policy. Supervisors and managers must ensure that all new employees are given this Policy and take the online and other sexual harassment training offered by SCDD. Any supervisor or manager that becomes aware of any possible sexual harassment is obligated by state and federal laws as well as this Policy to take immediate and appropriate action to address such situations to help prevent the conduct from continuing. This includes immediately communicating with the alleged harasser that the behavior must stop. Supervisors and managers must document all incidents and/or complaints of sexual harassment and submit documentation to the EEO Officer immediately. The EEO Officer will assess the situation, consult with the supervisor or manager on the appropriate follow-up steps, and determine the depth of the investigation.

MANDATED TRAINING

California Law (Government Code section 12950.1) requires that all supervisors and managers complete a two-hour interactive Preventing Sexual Harassment training course every two years. To comply with this mandatory requirement, all SCDD supervisors and managers must complete the “Supervisory” version of the Sexual Harassment training.

Additionally, although not mandated by law, it is the SCDD’s Policy that all non-supervisory employees take the “Non-supervisory” version of the training every two years. It is the supervisor’s or manager’s responsibility to ensure that their staff takes the training.

COMPLAINT PROCEDURES

Individuals who believe they have been subjected to sexual harassment should file a complaint with the SCDD’s EEO Office within 365 days from the date of the alleged incident(s). A complaint is filed using the SCDD EEO Discrimination Complaint Form. For further information regarding the complaint process, refer to the SCDD’s Discrimination and Harassment Policy or contact the EEO Office.

Employees in Bargaining Units 1 and 4 have the ability to make their complaint of sexual harassment through the grievance process. A formal grievance must be filed on a STD 630, Employee Contract Grievance form, no later than 30 calendar days after the employee can reasonably be expected to have known of the event occasioning the grievance. Allegations of sexual harassment can be

appealed through the third level of review in the grievance process. Allegations of retaliation or threats of retaliation may be appealed through the entire grievance and arbitration process.

All Councilmembers/employees have the option to file sexual harassment complaints with the California Department of Fair Employment and Housing within 365 days from the last date of the alleged incident(s). Additionally, employees may file sexual harassment complaints with the U.S. Equal Employment Opportunity Commission within 300 days from the first date of the alleged incident(s).

Further information for these agencies can be found at:

California Department of Fair Employment and Housing

www.dfeh.ca.gov

Phone: (800) 884-1684

TDD: (800) 700-2320

U.S. Equal Employment Opportunity Commission

www.eeoc.gov

Phone: (800) 669-4000

TTY: (800) 669-6820

DEFINITIONS

Sexual harassment: is any unwelcomed sexual advance, request for sexual favor(s), or other visual, physical or verbal conduct of a sexual nature when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or receipt of SCDD services. Sexual harassment may be directed against a particular individual or group of either the opposite sex or same sex. Generally, there must be a pattern of unlawful conduct, although a single serious incident in some cases might be enough to constitute sexual harassment. The courts have defined two types of sexual harassment: quid pro quo and hostile work environment, as defined below.

Quid Pro Quo: (in English meaning "something for something") is a type of sexual harassment which occurs when a supervisor or manager:

- Demands a subordinate submit to sexual advances as an explicit or implied term or condition of employment decisions. This may include situations

which began as reciprocal relationships, but which later ceased to be reciprocal.

- Makes requests for sexual favors or other verbal, visual or physical conduct of a sexual nature that is an explicit or implied term or condition of employment decisions.

Hostile Work Environment: is a form of sexual harassment which occurs when an individual is subjected to unwelcome behavior that is sexual in nature and is sufficiently severe or pervasive to interfere with the individual's work performance or creates an intimidating, hostile or offensive work environment. The conduct is viewed both subjectively and objectively. The courts look at the totality of the circumstances surrounding the alleged incidents of harassment to determine whether unlawful conduct has occurred.

Employee: as used in this policy only, means an individual who works for this agency, whether full or part time, receives pay, and has an employee identification number. For this policy only, this definition also includes individuals who have signed an employment agreement or contract to provide services to or on behalf of this agency, as well as recognized interns (paid or unpaid), and volunteers.

Person: as used in this policy only, means a member of the public conducting business with this agency or receiving services from this agency, such as a vendor, licensee, third party or claimant.

EXAMPLES OF PROHIBITED BEHAVIOR

Examples of quid pro quo harassment include, but are not limited to:

- Sexual requests made either explicitly or implicitly as a term or condition of employment.
- Sexual requests in exchange for a promotion or raise.
- Express or implied statement that a person will be demoted or fired if she or he does not submit to a sexual request, whether or not the statement or threat is actually carried out.

Examples of a hostile work environment include, but are not limited to:

- Leering, making or sending sexual jokes, sexually suggestive remarks, sexual gestures, or sending e-mails with pictures that are sexual in nature.
- Making unwelcomed offensive, negative or demeaning remarks about a person's gender or physical appearance that are viewed as sexual in nature.
- Deliberate and unwelcome touching, hugging, and patting or blocking a person's movement.
- Displaying offensive sexual illustrations or pictures in the workplace, looking at pictures on a computer that can be viewed by other employees that are sexual in nature.
- Unwelcome request or pressure for dates or sex (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal). A "date" is defined as a request to meet one on one. It is never appropriate for an employee to request a date after an initial request is denied.

The intent of the person accused does not determine sexual harassment. The impact and/or whether the victim perceives it to be offensive or sexually harassing is the primary factor in determining if sexual harassment has occurred.

RETALIATION

Actions of retaliation taken against individuals who report or file complaints of sexual harassment, or for individuals providing information during a complaint investigation, are strictly prohibited. The SCDD will not tolerate any retaliation against an individual who reports in good faith and/or provides information in an investigation of a complaint of sexual harassment, regardless of whether the claim of sexual harassment is determined to be valid or unfounded.

CONFIDENTIALITY

The SCDD has an obligation to address complaints of sexual harassment. The EEO Office and others responsible for implementing this Policy will respect the confidentiality and privacy of individuals involved in a sexual harassment investigation to the extent possible. The SCDD cannot guarantee complete confidentiality where it would conflict with the obligation to investigate meaningfully or, where warranted, to take corrective action.

All SCDD Councilmembers/employees who take part in any of the procedures under this Policy are expected not to reveal any information they learn in the

course of the proceedings, with anyone other than EEO staff and their own personal legal counsel or union representative. Breaches of confidentiality jeopardize the investigation and resolution of claims of harassment, and may lead to disciplinary action.

All Councilmembers/employees are required to cooperate with EEO investigations and tell the truth. Councilmembers/employees who do not cooperate or who compromise the integrity of the investigation may be subject to disciplinary action.

EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is available as a resource for Councilmembers/employees who desire counseling for stress, interpersonal conflicts, legal issues and/or other concerns. Councilmembers/employees may contact the SCDD Personnel Office at (916) 322-5521 for more information regarding the EAP or Magellan Healthcare at (866) EAP-4SOC (1-866-327-4762). TTY users should call (800) 424-6117. The EAP is a confidential program.

CONTACT INFORMATION

Questions regarding this Policy should be referred to the EEO Office at:

State Council on Developmental Disabilities

Equal Employment Opportunity Office

Phone: (916) 263-8121

Most Recent Action

Revisions approved by Legal and HR January 2018

PROFESSIONAL CONDUCT

Purpose:

To inform Councilmembers, employees, and volunteers serving on advisory committees of the State Council on Developmental Disabilities' commitment to providing a workplace in which all individuals are treated with courtesy, dignity, and respect.

Authority/Reference:

Government Code § 1090 et seq.; 19990 et seq.; 87100 et seq. California Code of Regulations, Title 2, Division 1, Administrative Personnel, Chapter 1, State Personnel Board, Subchapter 1.3. Examinations and Appointments, Article 8. Examinations, Section 172. General Qualifications.

Applies To:

Councilmembers employees, and volunteers serving on advisory committees.

POLICY

In addition to prohibitions against unlawful harassment and discrimination, SCDD has zero tolerance for abusive, unprofessional and/or unethical conduct in the workplace. Accordingly, derogatory racial, ethnic, religious, age, disability, sexual orientation, sexual or other inappropriate remarks, slurs, or jokes will not be tolerated.

For the purposes of this policy, unethical is defined as not only the previously stated behaviors, but also unethical accounting practices, bribery, incompatible activity with state employment, and misappropriation of funds, including financial conflicts of interest. Members of the Council, its Committees and employees shall conduct themselves using the principles of honesty, integrity, fairness, and good-faith.

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as harassment and/or unprofessional, inappropriate behavior. Forms of harassment and other unprofessional, inappropriate behavior, include, but are not limited to: **Verbal:** repeated sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color

jokes, propositions, threats or suggestive or insulting sounds; **Visual/Non-Verbal**: derogatory posters, cartoons or drawings, suggestive objects or pictures, graphic commentaries, leering or obscene gestures, inappropriate jokes being sent or forwarded via email; **Physical**: unwanted physical contact including touching, interference with an individual's work movement or assault, and **Other**: making or threatening reprisals as a result of a negative response to harassment or sexual advances.

CONTACT INFORMATION

Employees or volunteers who believe they have experienced abusive, unprofessional conduct described in this policy should contact the Personnel Office at (916) 263-8121.

RETALIATION

Actions of retaliation taken against individuals who report or file a complaint of unprofessional conduct or provide information during a supervisor's fact finding meeting(s) are strictly prohibited. SCDD will not tolerate any retaliation against any individual(s) who, in good faith, report and/or provide information relative to a complaint of unprofessional conduct regardless of whether the complaint is determined to be valid or unfounded.

EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is available as a resource for employees who desire counseling for stress, interpersonal conflicts, legal issues and/or other concerns. Employees may contact the Personnel Office at (916) 322-5521 for more information regarding EAP or Magellan Healthcare at (866) EAP-4SOC (1-866-327-4762). TTY users should call (800) 424-6117. The EAP is a confidential program.

Most Recent Action

Revision approved by HR & Legal April 25, 2018

WORKPLACE VIOLENCE PREVENTION

Purpose:

To increase awareness to recognize, confront, and deal with inappropriate behavior and eliminate or minimize threatening incidents to maintain a secure, safe and healthy work environment.

Authority/Reference:

California Labor Code Section 6400
California Code of Regulations, Title 8, Section 3203
California Government Code Section 19572
California Penal Code Section 171(b) and 16590
California Penal Code Section 71

Applies To:

Councilmembers and employees

IF SOMEONE IS IN IMMEDIATE DANGER or an incident occurs outside normal business hours, call 9-1-1 to dispatch the California Highway Patrol or local law enforcement.

POLICY

The State Council on Developmental Disabilities (SCDD) is committed to providing all Councilmembers and employees with a healthy, safe, respectful and positive work environment. In keeping with this commitment, SCDD has a zero-tolerance policy for workplace violence. Violence or threats of violence by or against any employee or anyone who interacts with an employee (such as a contractor, client or vendor) will not be tolerated.

For purposes of this Policy, statements and/or acts will be judged objectively as to whether they would cause a reasonable person to worry about the safety of themselves, other individuals or property.

Consistent with this Policy, all violent acts, threats of violence, including intimidation, harassment and/or coercion in the workplace or in the course of

employment away from the workplace, which causes a reasonable person to worry about the safety of themselves, other individuals or property are prohibited and actionable. State law also prohibits the possession of weapons on SCDD premises.

ZERO TOLERANCE

SCDD has a zero tolerance for all acts or threats of workplace violence. SCDD is committed to providing all employees and anyone who interacts with an employee a safe work environment free from workplace violence. A “zero-tolerance” policy means working to prevent any inappropriate behavior. An individual’s action does not need to be severe or pervasive to be in violation of this Policy. Any employee who engages in conduct prohibited by this Policy including, but not limited to, assaultive or verbally/physically abusive behavior, will be subject to immediate disciplinary action up to and including dismissal.

EMPLOYEE RESPONSIBILITIES

Each Councilmember/employee is responsible for reviewing the Policy and ensuring the Policy is observed. In the event a Councilmember/employee experiences and/or witnesses intimidation, threats, harassment or assault, the Councilmember/employee should immediately report it to the supervisor or manager. If the individual making the threat is the employee’s supervisor or manager, the employee should elevate the incident through their appropriate chain of command without fear of reprisal. If the individual making the threat is a manager or supervisor outside of the individual’s chain of command, the employee should immediately report the incident to the individual’s manager or supervisor. If the individual making the threat is a Councilmember, they should immediately report the incident to the Executive Director.

SUPERVISOR AND MANAGER RESPONSIBILITIES

It is the expectation that SCDD supervisors and managers ensure compliance with provisions of this Policy. Supervisors and managers shall ensure their employees are aware of, and act in compliance with, this Policy. Supervisors and managers are also responsible for establishing and maintaining an environment which fosters professional behavior of all staff and is supportive of staff subjected to unprofessional behavior.

Any supervisor or manager who witnesses or receives a report of workplace violence shall be responsible for taking reasonable steps to ensure the matter is addressed, consistent with SCDD procedures. Failure to report an employee complaint within 24 hours of discovery may result in disciplinary action. SCDD remains committed to reviewing and appropriately responding to allegations of workplace violence and issuing appropriate discipline for Policy violations.

REPORTING

SCDD requires that all threats and acts of violence, regardless of the source, be reported to the Personnel Office within 24 hours of discovery. The Policy emphasizes our continued commitment to take proactive steps to protect, as fully as possible, employees from acts of violence, threats, intimidation and harassment which may occur at state workplaces and during the performance of state duties. An SCDD Incident Report must be completed for all workplace violence incidents which occur throughout the SCDD.

Each report will be assessed and appropriate action taken if a determination is made the allegation or complaint has merit.

Employees have an obligation to cooperate fully and in good faith in any subsequent investigation or follow-up activity in relation to workplace violence incidents and will be protected from retaliation.

It is imperative all incidents of threatening language and behavior be reported timely so SCDD can respond effectively. Ignoring threatening behavior sends the message such behavior is acceptable. Not reporting an incident may cause a more serious incident to occur at a later time or date.

DEFINITIONS

The prohibition against any acts of workplace violence applies to anyone involved in SCDD operations including, but not limited to, SCDD personnel, contracted and temporary staff.

Workplace: is anywhere a Councilmember/employee is conducting authorized state business or en route to and from a location where state business is, will be or has been conducted.

An Act of Violence: refers to any:

- Physical action, which can or does cause physical or mental injury/harm.
- Non-physical, verbal or written threats, and/or similar assaultive, abusive or intimidating conduct/behavior which cause a reasonable person to worry about the safety of themselves, other individuals or property.

Threat: a threat is a statement (verbal, written or physical) which would cause a reasonable person to worry about the safety of themselves, other individuals or property. This includes threats made in jest but which others could perceive as serious.

Harassment: the creation of a negative environment through verbal statements, actions or physical contact which would cause a reasonable person to worry about the safety of themselves, other individuals or property.

Intimidation: to bully, make afraid, frighten, alarm, annoy or scare a person to the extent it causes a reasonable person to worry about the safety of themselves, other individuals or property.

Stalking: when any person willfully, maliciously and repeatedly follows or harasses another and makes a credible threat with the intent to place that person in reasonable fear for his/her safety or the safety of his/her family.

Reasonable Person: identifies how most people within a community would behave in any given situation.

EXAMPLES OF WORKPLACE VIOLENCE

Examples of workplace violence include, but are not limited to, the following:

- All threats or acts of violence occurring on SCDD premises regardless of the relationship between the SCDD and the parties involved in the incident.
- All threats or acts of violence occurring off the SCDD premises which involve someone who is acting in the capacity of a representative of SCDD.

- All threats or acts of violence occurring off SCDD premises which involve an employee of SCDD if the threats or acts have a nexus (i.e., connection) to SCDD employee(s) or interests.
- All acts or threats of violence resulting in the conviction of an employee or agent of SCDD or an individual performing services for SCDD on a contract or temporary basis under any criminal code provision relating to violence or threats of violence, which have a nexus to the SCDD employment or interests.

EXAMPLES OF PROHIBITED BEHAVIOR

Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:

- Physical assault (with or without weapons), or other behavior that a reasonable person would interpret as being violent (for example, including hitting, shoving an individual).
- Violent physical, verbal or written expressions (e.g. moving closer aggressively) which cause a *reasonable person* to fear physical harm. Does not require an actual contact or injury.
- Inappropriate expressions of anger, including blocking behavior, making menacing gestures, throwing objects or raising one's voice in a loud, disruptive manner which may include profanity or obscenities which cause a *reasonable person* to worry about the safety of themselves, other individuals or property.
- Physical, verbal or written expressions which have the intention or the effect of frightening, alarming or intimidating which cause a *reasonable person* to worry about the safety of themselves, other individuals or property.
- Harassing surveillance or stalking which cause a *reasonable person* to worry about the safety of themselves, other individuals or property.

- The intentional, unauthorized destruction of or threats to destroy SCDD property which cause a *reasonable person* to worry about the safety of themselves, other individuals or property.
- Harassing or threatening phone calls which cause a *reasonable person* to worry about the safety of themselves, other individuals or property.
- Threatening statements made in a kidding or joking manner which cause a *reasonable person* to worry about the safety of themselves, other individuals or property.
- Threats to do harm to another employee or member of the public made in either a direct or indirect manner.
- Any of the above or unlawful conduct that occurs away from the workplace but that is related to or impacts SCDD activities or otherwise has a nexus to SCDD employment or interests (e.g. stalking of, or violent conduct toward, an SCDD employee, client, vendor, or volunteer after duty hours or at an SCDD sponsored event off of SCDD premises).

A disagreement between staff should not in itself be construed as workplace violence. Such behavior may be deemed unprofessional and may be a violation of SCDD's Unprofessional Conduct Zero-Tolerance Policy; however, it is not workplace violence unless there is an element of threat which causes a *reasonable person* to worry about the safety of themselves, other individuals or property.

PROHIBITED WEAPONS

Bringing a firearm or weapon of any kind onto state property or possession of such a weapon in the course and scope of employment is **strictly prohibited**. A weapon is an object or device which can be used to threaten or cause harm, including all guns (loaded or unloaded), knives with blades exceeding four inches, Tasers, billy clubs, metal knuckles, any type of explosive device, tear gas or other receptacles containing illegal chemical substances and any other item which SCDD views as an object or instrument that can be used to threaten or cause harm.

Pepper spray is not prohibited by law or by this Policy. However, individuals shall place it in a secure location, such as a locked cabinet, while they are on state property.

RETALIATION

SCDD will take proactive steps to protect Councilmembers/employees from threats made by employees and non-employees. Any act of retaliation against someone for filing a complaint in good faith is prohibited and will result in disciplinary action up to and including dismissal.

CONFIDENTIALITY

All SCDD Councilmembers/employees who take part in a workplace violence investigation are prohibited from discussing the investigation, the investigation's subject matter or any communications with anyone except the investigator, staff of the Personnel Office, their own personal legal counsel and/or union representative. Confidentiality must be maintained to uphold the integrity of this process.

To the extent possible, SCDD will keep any and all participation in the investigation confidential. However, SCDD cannot guarantee complete confidentiality where it would conflict with the obligation to investigate meaningfully or, where warranted, to take corrective action.

EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is available as a resource for employees who desire counseling for stress, interpersonal conflicts, legal issues and/or other concerns. Employees may contact the Personnel Office at (916) 322-5521 for more information regarding EAP or Magellan Healthcare at (866) EAP-4SOC (1-866-327-4762). TTY users should call (800) 424-6117. The EAP is a confidential program.

CONTACT INFORMATION

Questions regarding this policy should be referred to the Personnel Office at (916) 263-8121 during normal business hours.

Workplace Violence Prevention Incident Report Form

Parts I –IV shall be completed by the employee

PART I - NATURE OF INCIDENT - (check all that apply)

Section A

- Threat Verbal Written
- Electronic Physical with Injury Physical without Injury
- Harassment Behavioral Observation Information Only
- Other

Section B

Date of incident: _____ Approximate Time: _____
a.m./p.m.

Description of observation, threat, incident, or activity. Continue on separate sheet of paper if necessary.

PART II - INCIDENT DIRECTED AT:

Person(s):

Place:

Structure:

PART III - INCIDENT INITIATED BY:

Person(s):

Male Female Employee Classification: _____

Worksite: _____

PART IV - TYPE/LOCATION INCIDENT OCCURRED

Section A

Type of Contact:

In person Telephone Mail Observation Recording

Electronic Mail

Fax Other _____

Was the employee alone? Yes No

Section B

Location of Incident:

Worksite Employee's Residence Other

Section C

Address/Location where incident occurred:

Street City State

Section D

Were any threats made before the incident occurred? Yes No

Did the Councilmember/ employee(s) ever report to the department that he/she was threatened, harassed, or suspicious that the attacker may become violent?
 Yes No

Was the perpetrator a stranger, client/patient, co-worker, or otherwise familiar person? _____

Was a weapon used? Yes No

If yes, what type of weapon? _____

Section E

Were there injuries? Yes No

If yes, who was injured?

Name: _____ Phone: _____

Injury
Description: _____

Name: _____ Phone: _____

Injury
Description: _____

Name: _____ Phone: _____

Injury
Description: _____

Witnesses(s) to the incident:

Name: _____ Phone Number: _____

Address: _____
Street City State

Name: _____ Phone Number: _____

Address: _____
Street City State

Name: _____ Phone Number: _____

Address: _____
Street City State

