



STAFF REPORT

DATE: December 9, 2019
TO: Sacramento Regional Transit Board of Directors
FROM: Lisa Hinz, VP, Safety, Security and Customer Satisfaction
SUBJ: APPROVING THE WORKPLACE VIOLENCE POLICY

RECOMMENDATION

Adopt the Attached Resolution.

RESULT OF RECOMMENDED ACTION

Workplace Violence Policy to be implemented for SacRT.

FISCAL IMPACT

There is no fiscal impact associated with this action.

DISCUSSION

SacRT is committed to preventing workplace violence and to maintaining a safe work environment for all employees.

Workplace violence is a growing concern for employers and employees nationwide. Workplace violence is violence or the threat of violence against workers. This can occur at or outside the workplace and can range from threats and verbal abuse to physical assaults.

The best protection employers can offer is to establish and enforce a policy regarding workplace violence.

Staff hereby recommends that the Board approve the Workplace Violence Policy as described in Exhibit A.

RESOLUTION NO. 19-12-0128

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

December 9, 2019

APPROVING THE WORKPLACE VIOLENCE POLICY

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Board of Directors hereby approves the "Workplace Violence Policy" attached hereto as Exhibit A.

THAT, the Board hereby directs the General Manager/CEO to implement and enforce said policy.

PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Cindy Brooks, Assistant Secretary

POLICY FOR THE PREVENTION, REPORTING AND RESPONSE OF VIOLENCE IN THE WORKPLACE

POLICY STATEMENT

SacRT is committed to preventing workplace violence and to maintaining a safe work environment for all employees. Workplace violence can take many forms including; oral and written statements, gestures, "horseplay" and other expressions that communicate a direct or indirect threat of physical harm as well as damage to property or any other behavior that may cause a person to feel threatened.

SacRT requires employees to treat each other professionally, with civility and respect. Violent, threatening, harassing, intimidating, bullying or other disruptive behavior will not be tolerated. Violations of this policy may lead to progressive discipline of an employee including termination of employment. If you observe such behavior, report it as soon as possible to your supervisor, a Labor Relations representative or other authority as designated by this policy.

The cooperation of all employees is needed to implement this policy successfully and to create and maintain a work environment where all employees are able to work effectively and feel safe from harm.

PURPOSE

To establish procedures for the prevention, reporting and response to threats and incidents of any type of violence in the SacRT workplace. The protocols and procedures created by this policy are intended to provide guidance to employees so they are properly informed of roles and responsibilities in a workplace violence incident.

SCOPE

This policy is applicable to all SacRT employees.

DEFINITIONS

Weapon:

For the purposes of this policy, "weapon" includes:

- Firearms as defined by California Penal Code (PC) section 16520(a).
- Knives with a blade longer than 4 inches
- Any instrument that is capable of ready use as a stabbing weapon that may produce great bodily injury or death
- Destructive devices as defined by PC section 16460(a)
- Stun guns as defined by PC section 17230
- Any object defined as a dangerous weapon by state or federal law
- Any item with the potential to inflict harm that has no common purpose

Workplace:

For the purposes of this policy, "workplace" includes but is not limited to:

- Buildings, light rail stations, bus stops, storage areas, parking lots and all outdoor areas controlled by SacRT
 - o Revenue, and non-revenue vehicles
 - o Light-Rail vehicles
- The nature of the occupancy or possession of the workplace whether owned, rented, leased or otherwise controlled or operated by SacRT does not affect this policy

Workplace Violence:

For the purpose of this policy, "workplace violence" includes but is not limited to:

- Making threatening remarks or creating threats by using pictures, drawings, plans or other similar devices either verbally, written or electronically produced
- Aggressive or hostile acts such as; shouting, using profanity, throwing objects at another person or fighting
- Intentionally damaging property belonging to SacRT or another employee, contractor, customer or visitor
- Intimidating or harassing another person by making obscene phone calls, using threatening body language or gestures or blocking a person's movement
- Behavior that when known, causes another emotional distress or creates a reasonable fear of harm
- Threatening to assault, inappropriately touch or harm another person or actually assaulting, inappropriately touching or harming another person regardless of whether injury occurs
- Brandishing a non-firearm weapon
- Brandishing or otherwise using a firearm, destructive device or other similar item while on SacRT premises or engaged in SacRT business unless such item is specifically authorized to perform SacRT job duties and the employee is using the item consistent with and in furtherance of their job duties and not in an inappropriate and threatening manner.
- Possessing, brandishing or otherwise using any other weapon designated as illegal by state or federal law while on SacRT premises or engaged in SacRT job duties

1.0 PROHIBITED ACTS

1.1 General

All SacRT employees are responsible for maintaining a safe and respectful work environment. Employees are expected to refrain from all forms of workplace violence as defined by this policy. Additionally, SacRT resources may not be used to threaten, stalk, harass or otherwise engage in any form of workplace

violence directed towards anyone within or outside of the workplace. Retaliation against an employee who reports real or implied threats or acts of workplace violence is prohibited.

1.2 Weapons in the Workplace

To contribute to the safety of all of its employees and the public, SacRT prohibits employees from possessing any weapon while on-duty or at the workplace unless possession of the weapon is specifically authorized by SacRT for the performance of job duties. Weapons may not be stored in a SacRT employee locker, work vehicle, office or other area defined as a "workplace."

Employees who are off-duty may not possess a weapon if they are wearing a SacRT uniform or parts of a uniform that readily identify them as an employee of SacRT.

This policy does not prohibit otherwise legal acts by off-duty, non-uniformed employees using the SacRT public transportation system.

2.0 PROCEDURES

2.1 General Reporting

- Prompt and accurate reporting of all workplace violence incidents, whether physical injury has occurred or not, is required by this policy. All reports should be made as soon as possible. Never hesitate to call 911 if you have a security concern or are confronted with an immediately violent or threatening situation.
- All employees must notify their supervisor and/or the SacRT Labor Relations Department when they experience or witness an act of workplace violence as defined by this policy
- If the employee is uncomfortable talking to their direct supervisor or if the supervisor is the source of the threat, the next level of management and/or Labor Relations should receive the report
- Failure of a supervisor to notify Labor Relations of any report of workplace violence they receive is a violation of this policy and could result in disciplinary action being taken against the supervisor who fails to report the incident of workplace violence to Labor Relations
- Failure of any employee to report acts of workplace violence is a violation of this policy and could result in disciplinary action being taken against the employee who fails to report the incident of workplace violence to Labor Relations.

2.2 Crisis Reporting

If an incident is an emergency and requires immediate attention, employees should:

- Secure their personal safety
- Call 911 and, if possible, contact the Security Operations Center (SOC) by telephone
- Provide available details including their location and the nature of the incident as well as a description of the perpetrator
- Notify their supervisor or next level of management or Labor Relations as soon as possible

2.3 False Reports

Employees making intentionally false and/or malicious complaints of workplace violence is a violation of this policy and could result in disciplinary action being taken against the employee making such complaint. Good faith complaints will not be subject to disciplinary action, even if unintentionally erroneous.

2.4 Threat Assessment Team (TAT)

The TAT will be established to assess threatening workplace situations and direct the appropriate response. The TAT will include a representative(s) from:

- Environmental Health and Safety
- Labor Relations
- Legal Services
- Police Services (Lead)
- Risk Management
- Others as needed

The TAT will be convened to review all credible threats and acts of workplace violence unless otherwise protected by a confidential criminal investigation or otherwise protected by law. The TAT will direct the course of the investigation.

The TAT will oversee the implementation of this policy and will provide an annual status report to the GM/CEO. The report will include tracking and trending data as described in section 2.10. The TAT will meet at least annually to review and report on the policy.

The TAT may also be used by managers as a resource and advisory committee to help identify workplace violence security hazards, assess and/or develop procedures for investigating workplace violence or injury resulting from workplace violence, the development of training materials or training procedures associated with workplace violence as well as the processes used to communicate with employees about such hazards.

2.5 Management Support and Investigations

The support of management from the GM/CEO down to the first-line supervisor is crucial to the effective implementation of this policy. A guidance document will

be made available. The GM/CEO will make available to the TAT the resources necessary for the successful implementation of this policy.

Supervisors must take all reports seriously and initiate a prompt investigation (performed by Police Services) of the incident including notification to Labor Relations (who will supervise the investigation). The "Guidance for Management Investigating Workplace Violence" is found in appendix 1 of this policy.

The Labor Relations Department will notify the TAT which will promptly convene and direct the course of the investigation.

Interviews with a victim of workplace violence should be minimized to those essential in order to limit stress that may be experienced in retelling their report.

Failure of a supervisor to receive and/or a report such complaint to Labor Relations is a violation of this policy and could result in disciplinary action being taken against the supervisor.

2.6 Protective or Restraining Orders

Employees must promptly inform the Labor Relations Department of any protective or restraining order that could impact the workplace. The employee must provide the following to Labor Relations who will provide the information to Police Services:

- A copy of the protective order and, if available, proof of service of the order.
- A recent photo of the person(s) the order has been issued against, if available.

Employees are required to report violations of protective or restraining orders that occur in the workplace to their supervisor or Labor Relations.

Employees are encouraged to report safety concerns with regard to intimate partner violence. No retaliation for a good faith report will be taken against an employee making such a report. SacRT is committed to supporting victims of domestic violence by providing referrals to its employee assistance program or providing leave as required by state law.

SacRT may seek restraining orders on behalf of an employee(s) who has been the subject of a workplace violence incident, committed by either a co-worker or member of the public, when supported by a sufficient legal basis under California law.

2.7 Threatening Communication

Employees should save any threatening electronic communication (e-mail, text, voicemail, social media messages, etc.). Threatening letters, notes, pictures or other physical correspondence should be handled as little as possible and placed in a sealed envelope. All threatening communication must be reported and

evidence, if any, must be turned in to the Labor Relations Department as soon as possible.

2.8 Indicators of Potentially Violent Behavior

If an employee observes any of the indicators of potentially violent behavior, they are required to notify their supervisor or Labor Relations as outlined in section 2.1 so that the situation may be addressed and the chance of escalation reduced. Indicators can include the following examples of conduct:

- Threats of harm or any act defined as "workplace violence" by this policy
- Numerous conflicts with supervisors or other employees
- Threatening to bring a weapon to work, brandishing a weapon or making inappropriate references to weapons
- Statements showing a fascination with incidents of workplace violence, statements indicating approval of the use violence in the workplace or statements indicating identification with perpetrators of workplace violence
- Statements indicating desperation to the point of contemplating suicide
- Drug and/or alcohol abuse
- Extreme changes in behavior

2.9 Policy Violation

Violations of this policy may lead to progressive discipline of an employee, including termination of employment.

2.10 Tracking and Trending of Workplace Violence Incidents

All reports of workplace violence, except those protected as described in section 2.4, will be reported to SacRT Environmental Health and Safety (EHS) within 30 days. EHS will provide tracking and trending of workplace violence incidents and will provide a report annually to the TAT and the GM/CEO. Responsibility for providing the necessary tracking data will reside with the Labor Relations Department or their designee.