

## **Rule 3-45**

### **Violence-free Workplace**

**§§:**

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#### **§ 3-45-010 Preamble**

The county is committed to providing its employees with a workplace free of hostility, intimidation, harassment and other unacceptable violent behavior. This includes a work environment supportive of employees who are victims of domestic violence.

Every employee has responsibility for promptly reporting conduct that interferes with providing a workplace free of violence. The county expects employees to talk with their managers about any workplace violence they experience or observe regardless of its origin. Managers will take appropriate action to maintain a safe work environment.

#### **§ 3-45-020 Policy**

The county's policy is to prohibit threatening and violent behavior in the workplace. Employees are prohibited from making threats, intimidating or engaging in acts of violence against other employees or members of the public, including intimate partners or family members, using county resources or in the workplace. Appropriate action will be taken when clients, customers, contractors and visitors make threats, intimidate or engage in acts of violence against employees.

Employees are prohibited from misusing their job related authority or county resources to provide another individual with information relating to domestic violence victims.

Employees may not possess deadly weapons in the workplace, on county premises or while at work unless authorized for work related purposes.

Employees who violate this rule are subject to discipline.

Managers who violate this rule will be held to a higher standard.

### § 3-45-030 Definitions

- **Deadly weapon:** Any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury, including explosive devices or materials.
- **Direct threat:** Identifies a specific act against a specific target and is delivered in a straightforward, clear, and explicit manner. For example, "I'm going to hurt you and everyone in this building!"
- **Domestic violence:** Abusive behavior that may be physical, sexual or psychological intended to establish and maintain control over an intimate partner or household member.
- **Intimate partner and household member,** for purposes of MCPR § 3-45, include a parent, child, grandparent, adult relative, or the other parent of a minor child; persons legally married to one another; persons formerly married to one another; domestic partners; former domestic partners; persons who have a child in common, regardless of whether such persons are married or have lived together at any time; unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; and persons who are currently or have previously dated each other.
- **Indirect threat:** tend to be vague, unclear, and ambiguous. The plan, the intended victim, the motivation, and other aspects of the threat are masked or equivocal. They also suggest that violence "could" occur unlike a direct threat that indicates violence "will" occur. For example, "If I wanted to, I could hurt you and everyone in here!"
- **Threat:** An expression of, or the perception of, an intent to cause physical or psychological harm.
- **Workplace violence:** Any act of physical, verbal, or written aggression by an individual or by a group that occurs in the workplace or arises out of work activities and relationships, that causes or would cause a reasonable person to be put in fear of bodily injury, or that causes or could cause the destruction of property. This includes the infliction of bodily injury or the attempt to inflict bodily injury, harmful physical contact or the attempt to make harmful physical contact, and the abuse or destruction of property or the attempt to abuse or destroy property. "Violence" or "violent behavior" includes verbal threats, written threats, and behavior that intimidates or frightens a reasonable listener, reader, or bystander.

### § 3-45-035 Applicability

This rule applies to all activities in the workplace and when using county owned equipment, including vehicles, computers, telephones, photocopiers and faxes.

This rule does not apply to actions that are a lawful part of a county employee's authorized job responsibilities or as authorized by ORS 161.190 to 161.275. Threats are permissible where law authorizes use of force.

### **§ 3-45-040 Prohibited Conduct**

The following conduct is prohibited:

- A. An act of workplace violence.
- B. Bringing deadly weapons to a workplace, possessing deadly weapons while there, including in vehicles parked at a workplace. This applies to employees even if they have a concealed handgun permit. It does not apply to law enforcement personnel, corrections officers, security officers or other persons authorized to possess or store weapons in vehicles for purposes related to their county employment.
- C. Employees are prohibited from possessing firearms in a public building while on duty, unless authorized for work related purposes. ORS 166.370 prohibits the possession by any person of firearms, whether loaded or unloaded, in a public building, with certain exceptions; a violation of ORS 166.370 is a violation of this rule.
- D. Misuse of job related authority or county resources to negatively affect domestic violence victims, assist an abuser in locating a domestic violence victim, to commit an act of domestic violence, or interfering with service of a court order or police response to an incident of workplace violence.

### **§ 3-45-050 Examples of Prohibited Conduct**

- A. Harassing, surveillance or stalking.
- B. Harassing or threatening phone calls, letters or other forms of written or electronic communications.
- C. Hitting, pushing, spitting on someone, obscene or threatening gestures, acts of physical intimidation such as standing inappropriately close to someone or pointing a finger close to someone's face.
- D. Placing objects of intimidation in or near someone's work area.
- E. Threats by county employees in the workplace.
- F. Threats against county employees in the workplace.
- G. Throwing objects at someone.
- H. Touching someone in anger.
- I. Abuse or destruction of property or the attempt to abuse or destroy property.

J. Assisting an abuser to locate a domestic violence victim using county resources.

**§ 3-45-060 Sanctions**

Employees who engage in threatening or violent behavior in violation of this rule may be subject to discipline up to and including dismissal. In addition, violations of this rule may be referred to law enforcement authorities.

**§ 3-45-070 Retaliation Prohibited**

Retaliation against county employees or others who report a threat or violent incident; provide good faith, truthful testimony, assistance; or participate in any manner in an investigation, or hearing resulting from a report of workplace violence is prohibited. Employees who engage in retaliatory conduct are subject to discipline.

**§ 3-45-090 Reporting**

A. Employees experiencing or witnessing violent or threatening behavior by a co-worker, contractor, or member of the public shall immediately take the following actions:

1. In situation of imminent danger, employees who can safely do so should leave the area; and
2. Immediately call 911 and report the instance to the police and follow any direction provided to you by them; and
3. Notify your manager of the incident; and
4. Notify Facilities Maintenance (FM) Dispatch by phone.
5. No employee should take any action that risks personal safety or the safety of others.

B. In the event of a threat by phone, employees should:

1. Remain calm;
2. Listen carefully;
3. Try to document what the person is saying;
4. Try to determine who the threat is being made against and why;
5. Try asking them their name; and
6. Follow the actions outlined above in section § 3-45-090 (A).

C. Other violations of this rule may be reported to:

1. Any manager;
  2. Department human resources representative;
  3. Multnomah County Chief Human Resources Officer (CHRO); or
  4. Risk Management. Reports may be submitted orally and in writing as soon as possible. Domestic violence that occurs at work also may be reported to the county's domestic violence coordinator. In situations of imminent danger, employees who can safely do so should leave the area and call the police. No employee should take any action that risks personal safety or the safety of others.
- D. Supervisors-receiving reports of workplace violence will immediately notify the county safety officer and their department human resources manager. Appropriate measures will be taken to maximize safety of employees and the public. The county safety officer will direct investigations of workplace violence incidents unless the department has its own investigation procedures. All reports will be promptly investigated and appropriate action taken by the department.
- E. Employees will cooperate and assist in investigations of reports of workplace violence.
- F. Violations will be investigated in a manner that is appropriate for the seriousness of the incident. Action may be taken to remove the offending individual from the workplace as quickly as safety permits.
- G. Persons involved in an incident may be advised of the results of an investigation on a need-to-know basis.
- H. Managers will assess whether the actions that led to the reported violation of this rule could constitute discrimination or harassment based upon race, color, sex, age, religion, national origin, political affiliation, marital status, sexual orientation, gender identity, source of income, familial status, or physical or mental disability or other protected status.

### **§ 3-45-100 Departmental Plans for Preventing and Responding to Workplace Violence**

- A. Central HR will provide departments with a model implementation plan. Departments may develop a plan to prevent and respond to incidents of threats or violence or adopt the model plan.
- B. Department plans may include procedures consistent with this Rule for reporting and investigating allegations of workplace violence. Departmental procedures for investigating incidents of workplace violence will supersede the investigating procedures of this Rule.

C. Departments will publicize to their employees any additional procedures they adopt for reporting and investigating violations of this rule.