

## **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 and Human Resources staff are required to report violations of this rule. Managers will take appropriate action to maintain a safe work environment.

#### **§ 3-45-020 Policy**

The County prohibits 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, while using County resources or in the workplace. Appropriate action will be taken when clients, customers, contractors, or visitors make threats, intimidate, or engage in acts of violence against employees.

Employees are prohibited from using their job-related authority or County resources to provide themselves or 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 and is intended to establish and maintain control over an intimate partner or household member.
- **Harassment:** Unwelcome behavior, including offensive physical contact or abusive words or gestures, that disturbs or annoys another person and creates an environment that a reasonable person would consider intimidating, threatening, hostile, or abusive.
- **Intimate partner and household member,** for purposes of MCPR § 3-45, includes 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:** A threat that is vague, unclear, or ambiguous. The plan, the intended victim, the motivation, and other aspects of the threat are masked or equivocal. Indirect threats 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!"
- **Stalking:** Unwanted and repeated contact directed at a specific person that would cause a reasonable person to be alarmed or coerced by the contact, and causes the victim to feel apprehension regarding their personal safety.
- **Surveillance:** Unwanted observing or listening to persons, places, or activities - usually in a secretive or unobtrusive manner - including with the aid of electronic devices, which a reasonable person would consider an invasion of privacy.
- **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 could 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, viewer, 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.

Bringing deadly weapons to a workplace, or possessing deadly weapons such as firearms while in a workplace, including in vehicles parked at a workplace. This prohibition applies to employees even if they have a concealed handgun license. 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.

1. For the purpose of this section, self-defense sprays, as defined under [ORS 163.211](#), are not prohibited for off-duty personal protection, except in a court facility as defined under [ORS 166.360](#). Self-defense sprays are prohibited in the Multnomah County Central Courthouse, Multnomah County Justice Center, East County Courthouse, and Donald E. Long Building.
2. Self-defense sprays shall be stored out of sight in a storage area or in the employee’s personal belongings (e.g., purse, briefcase, etc.).
3. Self-defense sprays must be contained in a commercially manufactured, capped aerosol device containing no more than four (4) ounces of spray with less than ten percent (10%) concentration of capsaicin.

B. Possessing firearms in a public building, 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.

- C. Misuse of job-related authority or County resources to negatively affect domestic violence victims, assist an unauthorized person 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. Harassment, surveillance, or stalking.
- B. Harassing or threatening phone calls, letters, emails, 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. Threats by County employees in the workplace.
- E. Threats against County employees in the workplace.
- F. Throwing objects at someone.
- G. Touching someone in anger.
- H. Abuse or destruction of property or the attempt to abuse or destroy property.
- I. Assisting an unauthorized person 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, or 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 situations of imminent danger, employees who can safely do so should leave the area; and
2. Immediately call 911 and report the incident to the police and follow any direction provided by them; and
3. Notify their manager of the incident; and
4. No employee should take any action that risks personal safety or the safety of others.
5. When safe to do so, document the event by using the [incident reporting portal \(Origami\)](#) on Commons.

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 the caller 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 must be submitted by using the [incident reporting portal](#) as soon as possible. Domestic violence that occurs at work also may be reported to the County's [Domestic Violence Enhanced Response Team](#).

D. Managers receiving reports of workplace violence will immediately notify the County [Workplace Security Program](#) and their department Human Resources manager. Appropriate measures will be taken to maximize the safety of employees and the public. The County Workplace Security Program 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 of this rule 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 of workplace violence 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 protected class as defined in MCPR 3-40, or other protected status in accordance with applicable law. Managers are required to promptly report suspected discrimination or harassment based upon protected class to the Complaints Investigation Unit.

## **REFERENCES**

MCPR 3-40 Discrimination and Harassment Free Workplace

[ORS 161.190 to 161.275](#)

[ORS 163.211](#)

[ORS 166.360](#)

[ORS 166.370](#)