

**WASHOE COUNTY
WORKPLACE VIOLENCE POLICY**

I. POLICY

As part of Washoe County's commitment to provide a safe place for its employees to work, and to safeguard the public, it is the County's policy not to tolerate acts or threats of physical violence, including acts or threats of violence through intimidation, harassment and/or coercion which involve or affect the County, which are directed against an employee while performing his or her duties of employment, which are directed against the County, or which are directed against any person while at a County workplace. The prohibition against threats and acts of violence applies to all persons involved in County operations, including, but not limited to, County personnel, temporary employees or contract workers and anyone else on County property. Violations of this policy, by any individual, will result in disciplinary and/or legal action as appropriate. In addition, the County as an employer, and in appropriate cases, may seek an order for protection against harassment in the workplace under NRS 33.200 to 33.360, inclusive.

A. The intent of this policy is to:

- (1) Provide guidance and consistent procedures for reducing the risk of workplace violence;
- (2) Provide clear guidance to employees/supervisors regarding the appropriate handling of threats or acts of violence; and
- (3) Increase awareness throughout the organization for the need to safeguard employees and the public by providing a safe working environment.

B. Definitions: For purposes of this policy, the following definitions apply:

- (1) ***Workplace violence*** is any intentional conduct which is sufficiently severe, offensive or intimidating to cause an individual reasonably to fear for his or her personal safety or the safety of his or her family, friends and/or property such that employment conditions are altered or a hostile, abusive or intimidating work environment is created for one or several County employees.

- (2) **Workplace** is any location owned or leased by the County where County employees perform work for the County. Workplace also includes locations where a County employee may be assigned to work. Workplace includes real and personal property. For purposes of this policy, workplace violence may also include acts or threats which are directed against an employee while performing his or her duties of employment regardless of where the act or threat occurs.

C. Examples:

- (1) Examples of workplace violence include, but are not limited to, the following:
- Threats or acts of violence occurring on County workplace, regardless of the relationship between the County and the parties involved in the incident.
 - Threats or acts of violence occurring outside County workplace involving someone who is acting in the capacity of a representative of the County.
 - Threats or acts of violence occurring outside County workplace involving an employee of the County if the threats or acts affect the business or public interests of the County.
 - Threats or acts resulting in the conviction of an employee or agent of the County or of an individual performing services for the County on a contract or temporary basis under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate business or public interests of the County.
- (2) Specific examples of conduct which may be considered threats or acts of violence under this policy include, but are not limited to, the following:
- Threatening physical or aggressive contact directed toward another individual.
 - Threatening an individual or his/her family, friends, associates or property with physical harm.
 - The intentional destruction or threat of destruction of County property or another's property.

- Harassing or threatening phone calls or notes.
- Surveillance.
- Stalking.
- Veiled threats of physical harm or similar intimidation.

Workplace violence does not refer to occasional comments of a socially acceptable nature. Such comments may include references to legitimate sporting activities, popular entertainment or current events. Rather, it refers to behavior that a reasonable person would find offensive, threatening or intimidating.

D. The essential parts of this policy are as follows:

- (1) Washoe County will not tolerate acts or threats of physical violence, including acts or threats of violence through intimidation, harassment and/or coercion by or against County employees by other employees or members of the public. Any employee engaging in such behavior may be subject to discipline up to and including termination, depending upon the circumstances. Department heads, supervisors, and managers are responsible for reporting such occurrences in accordance with this policy. Department heads, supervisors, and managers are responsible for appropriate disciplinary action against an employee regarding an incident of workplace violence, taking into account the employee's work record, severity of the offense, and any mitigating circumstances.
- (2) In appropriate cases the County, as an employer, may go to court pursuant to NRS 33.200 to 33.360, inclusive, to seek an order for protection against harassment in the workplace. This law allows employers to apply to the Justice Courts for a protection order against harassment in the workplace. Under this law, harassment in the workplace occurs when:
 1. "1. A person knowingly threatens to cause or commits an act that causes:
 - (a) Bodily injury to himself or another person;
 - (b) Damage to the property of another person;
 - or
 - (c) Substantial harm to the physical or mental health or safety of a person;

2. The threat is made or act is committed against an employer, employee of the employer while the employee performs his duties of employment or a person present at the workplace of the employer; and
3. The threat would cause a reasonable person to fear that the threat will be carried out or the act would cause a reasonable person to feel terrorized, frightened, intimidated or harassed." NRS 33.240.

As the County would be the applicant for such an order, employees are expected to cooperate with County officials in applying for the order.

- (3) Except as otherwise provided herein, Washoe County prohibits the carrying or possession of firearms in a County building, at a County work site, or in a County vehicle. The Director of Public Works is hereby directed to post signs at each public entrance (or place metal detectors at each public entrance) of each County building or County work site indicating that no firearms are allowed in the building except as otherwise provided herein. This policy does not prohibit an employee who is required to carry, use or handle a firearm pursuant to that employee's job description or assigned duties from carrying, handling or possessing that firearm in the locations referenced above while on duty. For a person who possesses a permit to carry a concealed firearm pursuant to NRS 202.366, and upon compliance with that statute, the prohibition against carrying a firearm in a County building does not prohibit:

- (a) A permittee who is a judge from carrying a concealed firearm in a courthouse or courtroom in which the judge presides which is located in a County building or County work site or from authorizing a permittee¹ to carry a concealed firearm while in the courtroom of the judge and

¹ If a judge authorizes a permittee, who is a County employee, to carry a concealed firearm in accordance with this provision, the employee must also obtain the approval of the Workplace Violence Team as provided in Section II below.

while traveling to and from the courtroom of the judge;

- (b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this state from carrying a concealed firearm while he/she is on the premises of a County building or County work site; or
- (c) A permittee who is an employee and whose request to carry a firearm in a County building, at a County work site, or in a County vehicle has been determined to be warranted by the employee's department head and the Workplace Violence Team as provided in Section II.B., below.

A permittee carrying a concealed firearm must carry the concealed firearm permit and a permittee who is an employee must produce the permit upon request of a supervisor.

Any employee violating this provision will be subject to immediate suspension and may be subject to termination. Further, any employee who is not authorized to carry a firearm as provided herein and who uses a firearm in a County building, a County work site, in a County vehicle while on duty is hereby advised that such action is not within the course and scope of his/her employment and in any action brought against the County and/or the employee for use of the firearm, the County will not defend nor indemnify the employee.

- (4) Washoe County Human Resources Department will conduct "Preventing Workplace Violence" training for all new employees as part of their orientation and to all department heads, supervisors, managers and employees on a periodic basis.
- (5) Washoe County has established a Workplace Violence Team consisting of an Assistant County Manager, Risk Manager, the Director of Human Resources (chair), a representative from the District Attorney's Office (Civil Division), the Sheriff's Office, the Department of Public Works, and other departments as appropriate. A department head, supervisor or manager who becomes aware of an event, incident, or allegation relating to violence in the workplace as covered by this policy, must report it immediately to either an Assistant

County Manager, the Director of Human Resources, or in their absence to another member of the Team.

II. PROCEDURES

A. Education and Duties of Department Heads and Supervisors

- (1) All employees are to be informed of Washoe County's Workplace Violence policy.
- (2) Washoe County will present a Workplace Violence education program for all department heads, supervisors and employees on a periodic basis.
- (3) Department heads are responsible for ensuring that they and their staff attend the training and implement the recommended procedures.
- (4) Department heads and supervisors should assess situations as they occur based upon their training, and where appropriate, contact either the Director of Human Resources, an Assistant County Manager, or another member of the Workplace Violence Team as set forth above.

B. Requests to Carry Concealed Firearm

- (1) If an employee believes that the circumstances of his/her job present a dangerous working environment that cannot otherwise be made safe and the employee believes that he/she needs a firearm for protection, the employee may request approval to carry a firearm. The request must be in writing and submitted to the employee's department head.
- (2) Upon receipt of a request as set forth in paragraph 1 above, a department head must review and evaluate the request and if the department head determines that the dangerous working environment cannot otherwise be made safe through reasonable means, the department head shall submit the employee's request to the Workplace Violence Team along with the department head's written evaluation of the request, including what alternatives to the request were considered and why those alternatives were not deemed sufficient to make the working environment safe.

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- (3) The Workplace Violence Team will meet to consider a request and either approve or disapprove a request. An approval may be made conditional upon the employee receiving and keeping current appropriate training in firearm handling and safety; may prescribe the type of firearm that may be carried; may require the employee use County issued bullets; and may require the employee provide safe storage of the firearm while in a County building, or County work site. In addition, the Workplace Violence Team may prescribe time limits on the employee's carrying of the firearm. An employee violating any condition imposed is subject to discipline up to and including termination. In addition, an employee violating any condition imposed is hereby advised that such action is not within the course and scope of his/her employment and in any action brought against the County and/or the employee for use of the firearm, the County will not defend nor indemnify the employee.
- (4) If an employee believes that he/she is in imminent danger of physical harm and needs to carry a firearm for protection and the procedures set forth in paragraphs (1) - (3) above cannot be met because there is insufficient time to get a request approved by the Workplace Violence Team, the employee may request emergency consideration of his/her request by the Director of Human Resources, or in the Director's absence, by an Assistant County Manager. The Director of Human Resources (or Assistant County Manager) will consider the employee's request, including all circumstances surrounding the request, as well as alternatives which may be available, and either approve or disapprove the request. In considering the request, the Director of Human Resources (or Assistant County Manager) may consult with the employee's department head, other members of the Team, or other persons deemed appropriate. Approval may be subject to the same conditions provided in (3) above. If the Director of Human Resources (or Assistant County Manager) approves an emergency request, said approval is to be placed on the next available agenda of the Workplace Violence Team for action, which may include: confirmation of the approval, modification of the

conditions imposed, or reversing the approval given and denying the request.

III. ENFORCEMENT

A. Evaluating and Acting Upon Threats of Violence

- (1) As provided under Section I.D.(5), once either an Assistant County Manager or Director of Human Resources (or in their absence, another member or the Team) has been contacted, (and if in the Team member's opinion it is appropriate), a meeting will be set up immediately with the members of the Team who are deemed necessary to deal with the immediate threat. At the meeting the Team members present will assess the situation and make a determination whether to bring in specialist(s) to assist in the violence threat assessment. The Team, including any violence threat assessment specialist(s) will provide advice and counsel to appropriately address a violent act or the threat of a violent act, including those which originate from outside the County (e.g., ex-employees, spouses, members of the public, clients, etc.); to recommend necessary post-incident support systems; and to conduct a post-incident review. The Team will also assess whether a protection order against harassment in the workplace should be sought. If the Team concludes that such an order should be applied for, the Team, will assist the affected department in applying for the order on behalf of Washoe County. Members of the Team will work with the District Attorney's Office in applying for the order. Notwithstanding the above and in circumstances that require immediate action, a department head may work directly with the District Attorney's Office to apply for an order, or apply directly for an order. In such event the department head shall report to a member of the Team regarding the circumstances when time permits.

- (2) Any person who engages in a violent act or the threat of a violent act in the workplace may be removed from the premises as quickly as safety permits and may be required, at the County's discretion, to remain off the workplace at least pending the outcome of an investigation into the incident. This person may be the subject of an application by the County for a protection order as set forth in (1) above.

- (3) When threats are made or acts of violence are committed by a County employee, a judgment will be made by the County as to what actions are appropriate, including, but not limited to, the following actions: evaluation by a threat assessment specialist, medical evaluation of the employee if deemed appropriate, disciplinary action against the employee, and/or the County seeking a protection order against harassment in the workplace.
- (4) The County will make the sole determination of whether, and to what extent, threats or acts of violence will be acted upon by the County. In making this determination, the County may undertake a case-by-case analysis in order to ascertain whether there is a reasonable basis to believe that violation of this policy has occurred.
- (5) If fear of violence is imminent, department heads, supervisors and employees should exercise sound judgment, take appropriate actions to address the immediate threat or situation and contact the appropriate responding authority (e.g., Sheriff's Office, Reno Police Department, Security, Emergency Dispatch, etc.).
- (6) Under this policy, decisions may need to be made to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing. No existing County policy or procedure should be interpreted in a manner that prevents implementation of such a decision.

IV. EMPLOYEE'S OBLIGATIONS

All employees are responsible for behaving in a respectful, professional manner toward their co-workers and others with whom they may come in contact. Employees are responsible for reporting acts of a threatening or violent nature directed at them or others to their department head or supervisors.