

Workplace Violence Prevention Plan

1.3.15

PURPOSE

The City is establishing a Workplace Violence Prevention Plan (WVPP) and ensures the implementation and maintenance of this WVPP. The City ensures that the WVPP shall be available and easily accessible to employees and authorized employee representatives. This will be accomplished by posting the WVPP on the City's website in the City Administrative Policy Manual and making physical copies available to employees upon request.

The safety and security of City employees is of vital importance, and it is the City of San Jose's administrative policy to promote a safe environment for its employees, customers, and visitors. Acts or threats of physical violence, including intimidation, harassment, or coercion, which occur on City property or involve City employees will not be tolerated, and a zero-tolerance policy shall be in effect. For information regarding the City's Workplace Violence Policy, please refer to City Administrative Policy Manual Section 1.3.1, [Workplace Violence Policy](#).

AUTHORITIES

Occupational Safety: Workplace violence, restraining orders, and workplace violence prevention plan (California Labor Code Sections 6401.7 and 6401.9). The San Jose Police Department is exempt from the requirements of California Labor Code Section 6401.9.

SCOPE OF APPLICATION

This policy applies to all City officers and employees. The San Jose Police Department is exempt from the requirements of California Labor Code Section 6401.9.

DEFINITIONS

Emergency - Unanticipated circumstances that can be life threatening or pose a risk of significant injuries to employees or other persons.

Engineering controls - An aspect of the built space or a device that removes a hazard from the workplace or creates a barrier between the employee and the hazard.

Log - The violent incident log required by Labor Code section 6401.9.

WVPP - The workplace violence prevention plan required by Labor Code section 6401.9.

Serious injury or illness - Any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by an accident on a public street or highway, unless the accident occurred in a construction zone.

Threat of violence - Any verbal or written statement, including, but not limited to, texts, electronic messages, social media messages, or other online posts, or any behavioral or physical conduct, that conveys an intent, or that is reasonably perceived to convey an intent, to cause physical harm or to place someone in fear of physical harm, and that serves no legitimate purpose.

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Workplace violence - Any act of violence or threat of violence that occurs in a place of employment. Workplace violence includes, but is not limited to, the following:

- The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury.
- An incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury.
- The following four workplace violence types:
 - **Type 1 violence** - Workplace violence committed by a person who has no legitimate business at the worksite and includes violent acts by anyone who enters the workplace or approaches employees with the intent to commit a crime.
 - **Type 2 violence** - Workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.
 - **Type 3 violence** - Workplace violence against an employee by a present or former employee, supervisor, or manager.
 - **Type 4 violence** - Workplace violence committed in the workplace by a person who does not work there but has or is known to have had a personal relationship with an employee.

Workplace violence does not include lawful acts of self-defense or defense of others.

Work practice controls - Procedures and rules which are used to effectively reduce workplace violence hazards.

ADMINISTRATIVE RESPONSIBILITIES

Job Title	WVPP Responsibility	Phone #	Email
City Manager	<i>The City Manager approves the final WVPP and any major changes.</i>	(408) 535-8111	webmaster.manager@sanjoseca.gov
Office/ Department Directors	Office/Department Directors shall be responsible for implementing the plan and ensuring compliance with all aspects of the City's WVPP for their respective Office/Department and locations.	See City of San Jose Website for contact information	See City of San Jose Website for contact information
City Safety Officer (Human Resources)	The City Safety Officer has the authority and responsibility for implementing the	(408) 975-1418	hrsafety@sanjoseca.gov

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	provisions of the WVPP for the City of San José.		
Safety Officer (Departments)	Department Safety Officers will work in conjunction with Department Directors to ensure compliance with all aspects of the City's WVPP for their respective Department. Department Safety Officers will also oversee annual training, incident investigations and tracking corrective actions related to the WVPP	See City of San Jose Website for contact information	See City of San Jose Website for contact information

All managers and supervisors are responsible for implementing and maintaining the WVPP in their work areas and for answering employee questions about the WVPP.

RESPONSIBILITIES OF ALL CITY EMPLOYEES

The City ensures the following policies and procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the WVPP:

- All employees and authorized employee representatives are encouraged to provide their concerns, observed hazards, and ideas of how to address any identified workplace violence issues. Such information can be reported through an employee's chain of command, to their departmental Safety Officer, to the City Safety Officer in the Human Resources Department, to the City Manager's Office of Employee Relations, or to any other appropriate entity with the ability to take appropriate action based on the information reported. The City will ensure that all workplace violence policies and procedures within this written WVPP are clearly communicated and made available to each City employee in the City Administrative Policy Manual.
- All employees will follow all workplace violence prevention plan directives, policies, and procedures, and assist in maintaining a safe work environment.
- The WVPP shall be in effect at all times and in all work areas and be specific to the hazards and corrective measures for each work area and operation.
- All City employees are responsible for completing annual training provided by the City regarding the WVPP, and more frequently as needed.

EMPLOYEE COMPLIANCE

Our system to ensure that employees comply with the rules and work practices that are designed to make the workplace more secure and do not engage in threats or physical actions that create a security hazard for others in the workplace, include:

- Training all City employees about the provisions of WVPP.
- Effective procedures to ensure that supervisory and non-supervisory employees comply

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with the WVPP, including encouraging employees to report any concerns that they might have so that the City can evaluate the situation and take appropriate action as needed.

- Provide retraining to employees whose safety performance is deficient with the WVPP.
- Taking corrective action to address employees that fail to comply with the WVPP, which may include disciplinary action. For additional information, please refer to the City's [Discipline Policy](#).

COMMUNICATION

Communication regarding workplace hazards and incidents is essential to the City's ability provide a safe and productive workplace. To facilitate a continuous flow of workplace violence prevention information between management, the City will:

- Include information regarding workplace violence prevention policies and procedures, including the WVPP, during the New Employee Welcome.
- Include the WVPP as a key City policy that is acknowledged by employees annually during their evaluations.
- Provide workplace violence training annually.
- Post workplace violence prevention information in breakrooms.
- Employees are encouraged to report any non-emergency concerns that they may have to a supervisor/manager, Office/Department Director, [Whistleblower Hotline](#), and/or the City Manager's [Office of Employee Relations](#). Employee's concerns will be investigated pursuant to the City's [Investigation Principles Policy](#). For concerns at City Hall, concerns may also be directly reported to City Hall Security at (408) 535-1286. The City's [Non-Retaliation Policy](#) describes each employee's right to raise concerns in good faith without retaliation or reprisal. For more information, please refer to the [Workplace Violence Policy](#).
- Emergency concerns should be directly reported to the San Jose Police Department by calling 911.

COORDINATION WITH OTHER EMPLOYERS

The City will implement the following effective procedures to coordinate implementation of its WVPP with other employers to ensure that those employers and employees understand their respective roles, as provided in the WVPP.

- All employees will be trained on workplace violence prevention.
- Workplace violence incidents involving any employee are reported, investigated, and recorded.
- At a multiemployer worksite, the City will ensure that if its employees experience a workplace violence incident, the City will record the information in a violent incident log and shall also provide a copy of that log to controlling employer¹.

¹ A "controlling employer" is an employer who is responsible for safety and health conditions at the worksite and who has the authority to correct the violation. Evidence of an employer's "control" can be demonstrated in any of three ways:

- a. Explicit contract provisions pertaining to worksite safety
- b. Any type of contract authority that directly affects worksite safety
- c. Actual practice

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Emergencies are considered those situations where actual violence has occurred or the threat of violence, including the threat of bodily harm or destruction of property, is immediate and requires a police response.

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| Employee(s) | <ol style="list-style-type: none">1. Ensure personal safety, do not take unnecessary risks in aiding others or confronting violence prone individual(s).2. Call the Police immediately at *111 from a City phone (outside of City Hall) or 911 from a non-City phone. |
| Office/Department Director | <ol style="list-style-type: none">1. Immediately contact the City Manager's Office of Employee Relations to coordinate actions and resources in response to incidents of Workplace Violence.2. Direct staff to take basic precautionary measures such as: securing/locking entrances, re-routing office/worksite traffic and other steps which appear appropriate for the circumstances.3. When appropriate, the City Manager's Office of Employee Relations will coordinate with Police and other emergency response personnel to address immediate security and medical needs.4. Coordinate with the City Manager's Office of Employee Relations to determine the appropriate leave policies or procedures to be followed in executing a plan of action involving impacted employee(s).5. When appropriate, exercise authority to grant immediate and temporary leave if the Director of Employee Relations or designee is not immediately available (follow procedures outlined in Administrative Leave Policy) Follow investigation and procedures as outlined under "Non Emergencies."6. Maintain lines of communication on a need-to-know basis among staff to minimize misinformation, panic, and confusion. |

Non-Emergency Procedures

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| Employee(s) | <ol style="list-style-type: none">1. Inform immediate supervisor, Office/Department Director, or the City Manager's Office of Employee Relations, with details of incident(s) along with all information that can be used to address the issue immediately. Keep record of incident(s) and make available to supervisor or City Manager's Office of Employee Relations. If the complaint is made directly to the City Manager's Office of Employee Relations, all non-emergency procedures will be coordinated with the applicable department. |
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Office/Department Supervisor	1. Immediately contact Office/Department Director with details of incident. 2. Document all pertinent information, i.e. time, date, who, when, what transpired, etc. Submit written report to Office/Department Director within 24 hours of reported incident with a file copy to the City Manager's Office of Employee Relations. All information is considered confidential personnel information.
Office/Department Director	1. Receive and review complaint/incident of Workplace Violence. Contact the City Manager's Office of Employee Relations to determine if incident/complaint can be resolved at the departmental level, and for advice and assistance in the coordination of resource support. 2. Prepare final report for submittal to the City Manager's Office of Employee Relations with specific recommendations on resolution of incident(s) and/or special arrangements made to monitor and report on the situation as circumstances require.
City Manager's Office of Employee Relations	1. Advise and consult with Office/Department Director on recommended actions relating to investigation, administrative leave, disciplinary processes, and post-incident counseling. 2. When appropriate, consult with the Police Department and City Attorney's Office and others in seeking resolution of the matter. 3. Confer with all parties in developing a course of action to resolve or monitor the incident(s) if appropriate.
City Attorney's Office	Advise and consult with the City Manager's Office of Employee Relations on recommended actions having to do with Restraining Orders or other legal remedies in working toward resolution or monitoring of incident(s).
Police Department	Provide immediate direction, action, and necessary support in ensuring safety of employee(s) in department. Advise management of methods, techniques or procedures to increase safety.

For additional information, please refer to the City's [Workplace Violence Policy](#).

EMERGENCY RESPONSE PROCEDURES

The City has in place the following specific measures to handle actual or potential workplace violence emergencies:

- Effective means to alert employees of the presence, location, and nature of workplace violence emergencies by the use of building alarms and intercom communication systems.
- City Hall has also implemented screening of all members of the public, including metal detectors staffed by security guards.
- Employees are required to show City-issued identification badges when entering the

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building and a uniformed San Jose Police Officer is stationed at the metal detectors.

- The City has an evacuation plan for both localized incidents as well as generalized emergencies that require a complete evacuation of the facility. City employees participate in an annual exercise of this plan.
- How to obtain help from staff, security personnel, or law enforcement.

In the event of an emergency, including a workplace violence emergency, contact the following:

Job Title/Position	WVPP Responsibility(ies)	Phone #	Email
San Jose Police Department (Local law enforcement agency)	Provides immediate armed response to active workplace violence events	911	
City Hall Security	Provides facility security to City Hall	(408) 535-1286	
City Safety Officer/Workers' Compensation, Health and Safety Division Manager	Conducts safety inspections, coordinates emergency response procedures, and communicates with other employers about the WVPP	(408) 975-1418	hrsafety@sanjoseca.gov

WORKPLACE VIOLENCE HAZARD IDENTIFICATION AND EVALUATION

The following policies and procedures are established and required to be conducted by the City to ensure that workplace violence hazards are identified and evaluated:

- Inspections shall be conducted when the WVPP is first established, after each workplace violence incident, and whenever the employer is made aware of a new or previously unrecognized hazard.
- Review all submitted/reported concerns of potential hazards. Review process will include a monthly review of all submitted and reported concerns.
- Review of workplace violence suggestions submitted to the City Manager's Office of Employee Relations, Human Resources, or through the Whistleblower Hotline.

Periodic Inspections

Periodic inspections of workplace violence hazards will identify unsafe conditions and work practices. This may require assessment for more than one type of workplace violence. Periodic inspections shall be conducted annually or sooner as needed. Location supervisors will be responsible for conducting inspections and submitting findings to their Office/Department, as well as the Human Resources City-wide Safety team.

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Inspections for workplace violence hazards include assessing:

- The exterior and interior of the workplace for its attractiveness to potential theft.
- The need for violence surveillance measures, such as mirrors and cameras.
- Procedures for employee response during a robbery or other criminal act, including our policy prohibiting employees, who are not security guards, from confronting violent persons or persons committing a criminal act.
- Procedures for reporting suspicious persons or activities.
- Effective location and functioning of emergency buttons and alarms.
- Posting of emergency telephone numbers for law enforcement, fire, and medical services.
- Whether employees have access to a telephone with an outside line.
- Whether employees have effective escape routes from the workplace.
- Whether employees have a designated safe area where they can go to in an emergency.
- Adequacy of workplace security systems, such as door locks, entry codes or badge readers, security windows, physical barriers, and restraint systems.
- Frequency and severity of threatening or hostile situations that may lead to violent acts by persons who are service recipients of our establishment.
- Employees' skill in safely handling threatening or hostile service recipients (example: security guards).
- Effectiveness of systems and procedures that warn others of actual or potential workplace violence danger or that summon assistance, e.g., alarms or panic buttons.
- The use of work practices such as the "buddy" system for specified emergency events.
- The availability of employee escape routes.
- How well our establishment's management and employees communicate with each other.
- Access to and freedom of movement within the workplace by non-employees, including recently discharged employees or persons with whom one of our employees is having a dispute.
- Frequency and severity of employees' reports of threats of physical or verbal abuse by managers, supervisors, or other employees.
- Any prior violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace.

WORKPLACE VIOLENCE HAZARD CORRECTION

Workplace violence hazards will be evaluated and corrected in a timely manner. The City will implement the following effective procedures to correct workplace violence hazards that are identified:

- If an imminent workplace violence hazard exists that cannot be immediately abated without endangering employee(s), all exposed employee(s) will be removed from the situation except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition will be provided with the necessary protection which may include, but is not limited to having City security or police onsite.
- All corrective actions taken will be documented and dated on the location's [Workplace Violence Prevention Site Inspection](#) form.
- Corrective measures for workplace violence hazards will be specific to a given work area.

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PROCEDURES FOR POST INCIDENT RESPONSE AND INVESTIGATION

After a workplace incident, the City Safety Officer or their designee will implement the following post-incident procedures:

- Visit the scene of an incident as soon as safe and practicable.
- Interview involved parties, such as employees, witnesses, law enforcement, and/or security personnel.
- Review security footage of existing security cameras if applicable.
- Examine the workplace for security risk factors associated with the incident, including any previous reports of inappropriate behavior by the perpetrator.
- Determine the cause of the incident.
- Take corrective action to prevent similar incidents from occurring.
- Record the findings and ensuring corrective actions are taken.
- Obtain any reports completed by law enforcement.
- The [violent incident log](#) will be used for every workplace violence incident and will include information, such as:
 - The date, time, and location of the incident.
 - The workplace violence type or types involved in the incident.
 - A detailed description of the incident.
 - A classification of who committed the violence, including whether the perpetrator was a member of the public, coworker, supervisor or manager, partner or spouse, parent or relative, or other perpetrator.
 - A classification of circumstances at the time of the incident, including, but not limited to, whether the employee was completing usual job duties, working in poorly lit areas, rushed, working during a low staffing level, isolated or alone, unable to get help or assistance, working in a community setting, or working in an unfamiliar or new location.
 - A classification of where the incident occurred, such as in the workplace, parking lot or other area outside the workplace, or other area.
 - The type of incident, including, but not limited to, whether it involved any of the following:
 - Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.
 - Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.
 - Threat of physical force or threat of the use of a weapon or other object.
 - Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.
 - Animal attack.
 - Other.
 - Consequences of the incident, including, but not limited to:
 - Whether security or law enforcement was contacted and their response.
 - Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.
 - Information about the person completing the log, including their name, job title, and the date completed.
- Reviewing all previous incidents.

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The City will ensure that no personal identifying information is recorded or documented in the written investigation report. This includes information that would reveal identification of any person involved in a violent incident, such as the person's name, address, email address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the person's identity.

TRAINING AND INSTRUCTION

All employees, including managers and supervisors, will have training and instruction on general and job-specific workplace violence practices. These sessions could involve presentations, discussions, and practical exercises. Training and instruction will be provided as follows:

- When the WVPP is first established.
- Annually to ensure all employees understand and comply with the WVPP.
- Whenever a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the WVPP. The additional training may be limited to addressing the new workplace violence hazard or changes to the WVPP.

The City will provide its employees with training and instruction on the definitions contained in this WVPP and the requirements listed below:

- The WVPP, how to obtain a copy of the WVPP at no cost, and how to contribute to future versions of the WVPP.
- How to report workplace violence incidents or concerns to the City or law enforcement without fear of reprisal.
- Workplace violence hazards specific to the employees' jobs, the corrective measures the City has implemented, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm.
- The violent incident log and how to obtain copies of records pertaining to hazard identification, evaluation and correction, training records, and violent incident logs.
- Employees are encouraged to contact the City Safety Officer or their Department's Safety Officer for interactive questions and answers regarding the City's WVPP.
- Strategies to avoid/prevent workplace violence and physical harm, such as:
 - How to recognize workplace violence hazards including the risk factors associated with the four types of workplace violence (criminal intent, member of the public, worker-on-worker, personal relationship).
- How to recognize alerts, alarms, or other warnings about emergency conditions and how to use identified escape routes or locations for sheltering.
- Employee routes of escape.
- Emergency medical care provided in the event of any violent act upon an employee.
- Post-event trauma counseling for employees desiring such assistance. The City has an Employee Assistance Program that is available at no cost to all employees which provides counseling and other services. In addition to the EAP, the City has Critical Incident Response (CIR) resources that may be deployed immediately following and incident to provide specialized counseling. Additional information about both programs may be found in the [City's Wellness Policy](#), section 1.3.13 of the City Policy Manual.

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The City will:

- Create and maintain records of workplace violence hazard identification, evaluation, and correction, for a minimum of five (5) years.
- Create and maintain training records for a minimum of one (1) year and include the following:
 - Training dates.
 - Contents or a summary of the training sessions.
 - Names and qualifications of persons conducting the training.
 - Names and job titles of all persons attending the training sessions.
- Maintain violent incident logs for minimum of five (5) years.
- Maintain records of workplace violence incident investigations for a minimum of five (5) years.
 - The records shall not contain medical information per subdivision (j) of section 56.05 of the Civil Code.
- All records of workplace violence hazard identification, evaluation, and correction; training, incident logs and workplace violence incident investigations required by Labor Code section 6401.9(f), shall be made available to Cal/OSHA upon request for examination and copying.

EMPLOYEE ACCESS TO RECORDS

The following records shall be made available to employees and their representatives, upon request and without cost, for examination and copying within 15 calendar days of a request:

- Records of workplace violence hazard identification, evaluation, and correction.
- Training records.
- Violent incident logs.

REVIEW AND REVISION OF THE WVPP

The City's WVPP will be reviewed for effectiveness:

- At least annually.
- When a deficiency is observed or becomes apparent.
- After a workplace violence incident.
- As needed.

Review of the City's WVPP should include, but is not limited to:

- Review of incident investigations and the violent incident log.
- Assessment of the effectiveness of security systems, including alarms, emergency response, and security personnel availability (if applicable).
- Review that violence risks are being properly identified, evaluated, and corrected. Any necessary revisions are made promptly and communicated to all employees.

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As required by California Code of Regulations (CCR), Title 8, Section 342(a). Reporting Work-Connected Fatalities and Serious Injuries, the City will immediately report to Cal/OSHA any serious injury or illness (as defined by CCR, Title 8, Section 330(h)), or death (including any due to Workplace Violence) of an employee occurring in a place of employment or in connection with any employment.

Approved:

/s/ Jennifer Schembri
Director of Employee Relations
Director of Human Resources

May 30, 2024
Date

Approved for posting:

/s/ Jennifer A. Maguire
City Manager

May 30, 2024
Date