

<i>VIOLENCE FREE WORKPLACE</i>	POLICY	
	Document Number:	AS-HR-PL-2600
	Version Number:	01

1.0 Purpose:

To communicate Santa Clara Valley Transportation Authority's (VTA) policy, standards, and expectations regarding violence in the workplace; to promote a violence free workplace, and to provide guidance for identifying and appropriately responding to instances of related unacceptable behavior.

2.0 Scope:

This policy applies to VTA employees while on duty, as well as to non-employees who conduct business with VTA employees or with the public on behalf of VTA while in service to VTA. This policy applies while on VTA property, off premises when performing work related activities, and during events sponsored by VTA.

3.0 Responsibilities:

3.1 All Employees

All employees are responsible for ensuring that workplace violence or threats of violence do not occur while in service to VTA. Employees will adhere to VTA's policy while on VTA property, off-premises when performing work-related activities, and during events sponsored by VTA in order to ensure the safety and security of themselves and others.

Any employee who believes that he/she has been subjected to threats or actual workplace violence, or who is aware of such occurrences, has an obligation to report the policy violation to a supervisor, manager, or the Human Resources Department as soon as possible so that appropriate and timely action may be taken. The incident should be documented on the Confidential Workplace Violence Incident Report form (copy attached to this Policy).

3.2 Supervisors, Managers, and Chiefs

Supervisors, managers, and chiefs are responsible for prevention and correction of violations of this policy in their areas of responsibility and within the organization.

Supervisors and managers at all levels are responsible for:

- Ensuring employees in their areas of responsibility are aware of this policy;
- Ensuring employees in their areas of responsibility are provided instruction on job specific workplace security practices to include:
 - Procedures for reporting workplace security hazards;
 - Escape routes;
 - Explanation of this Violence Free Workplace policy;
- Ensuring employees in their areas of responsibility comply with this policy;
- Immediately addressing any threatening or violent behavior, even if the person engaged in the behavior or conduct is not a subordinate, or even if the supervisor/manager have not received a complaint;

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- Taking any and all reports of threats or actual violence seriously and investigating the report in a timely manner to ensure the safety and security of all employees, customers, and members of the general public;
- Initiating immediate and corrective action, up to and including termination from employment, when offenses in violation of this policy obligate such; and
- Demonstrating organizational concern for worker emotional and physical health and safety, which includes medical and psychological counseling and debriefing for personnel who experience or witness assaults and other violent incidents.

3.3 Human Resources Department

The Human Resources Department shall be responsible for conducting, referring, or directing investigations of any initial claims of workplace violence to determine the next appropriate steps. The Human Resources Department will inform the individual filing the incident report of the steps taken or being taken. This information will be provided to the individual completing the incident report within 10 working days from the date the form is received in the Human Resources Department.

The Human Resources Department shall be responsible for ensuring that all employees, including managers and supervisors, are provided training and instruction on general workplace security practices.

Training and instruction shall be provided as follows:

- To all current employees when the policy is first implemented;
- To all newly hired employees, supervisor, and managers; and
- To employees affected by threats or actual workplace violence or any other violations of this policy, or whenever management is made aware of new or previously unrecognized risks related to workplace violence.

Violence Free Workplace Training shall include:

- Recognizing warning signs of potentially violent behavior;
- Identifying security measures that can reduce the risk of workplace violence incidents;
- Strategies for dealing with different, difficult, and dangerous people;
- The value of reporting workplace violence; and
- Recovering from workplace violence.

3.4 Risk Management

The Risk Management Department shall be responsible for tracking workplace violence complaints.

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3.5 Protective Services Department

The Protective Services Department, in collaboration with the Human Resources Department, shall be responsible for analyzing complaints of workplace violence and developing appropriate responses. The Protective Services Department Manager will brief the appropriate division Chief and Risk Manager regarding potential or actual incidents and any actions taken or planned in response. In exigent circumstances, Protective Services security staff may be responsible for physically intervening or otherwise responding to acts of violence.

3.6 Visitors, Vendors, and Consultants

All visitors, vendors, and consultants must abide by VTA rules, policies, procedures, and guidelines while on VTA property or while conducting, supporting, or utilizing VTA services or business.

3.7 General Manager

The General Manager or designated representative will ensure that the policy prohibiting workplace threats or actual violence is made known to all VTA employees and that procedures necessary to assure compliance are implemented.

The General Manager or designated representative may request the General Counsel to seek a temporary restraining order and an injunction on behalf of any employee(s) who may have suffered unlawful violence or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at VTA, in accordance with California Code of Civil Procedure, section 527.8.

4.0 ***Policy:***

Workplace violence or threats of violence creates obstacles to the safe and efficient operation of business and working relationships. It is VTA's policy to promote a safe environment for its employees and prohibit any form of workplace threats, harassment, intimidation, violence and other forms of disruptive behavior. Inappropriate behavior that could lead to workplace violence and undermine a professional working environment is also prohibited and may violate VTA's policy, even if it does not rise to the level of a violation of the law.

This policy prohibits all threatening behavior regardless of whether the intended recipient is another VTA employee, a passenger, or a member of the general public. Behaviors that are strictly prohibited include, but are not limited to:

- A. Physical restraint, confinement, altercations, assaults, or aggressive physical contact while on VTA premises or while engaged in VTA business;

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- B. Verbal, nonverbal, or physical threats, including written or oral statements (whether in person or in any format including electronic media), abusive language, gestures, or expressions that communicate direct, or indirect, threat of harm or intimidation;
- C. Bullying or coercion through suggestion of violence; through words or acts including aggressive displays of anger, non-verbal gestures such as looming, blocking movement, or invasion of personal space
- D. Possession, brandishing, or use of firearm or other weapons while on VTA premises or while engaged in VTA business, unless such possession or use is a requirement of the job;
- E. Joking about acts of violence;
- F. Intentionally damaging or threatening to damage VTA property;
- G. Stalking (including in person and through the internet or other technology);
- H. Violation of a restraining order;
- I. Dangerous, threatening, or unwanted horseplay;
- J. Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment;
- K. Blatant or intentional disregard for the safety or well-being of others;
- L. Any other act that a reasonable person would perceive as a threat of violence.

Domestic violence, while generally originating in the home, can extend into the workplace and impact workplace safety and the productivity of victims and co-workers. VTA will not tolerate acts of domestic violence perpetrated by or against any employee while in VTA offices, facilities, work sites, vehicles or while conducting VTA business. This includes the display of any violent or threatening behavior that is likely to result in physical or emotional distress or injury or otherwise places a victim's safety or productivity at risk. Upon knowledge that an employee is being stalked, harassed, threatened, or abused and that the risk has or may come into the workplace, the threat will be subjected to the same evaluation procedure as any other violent threat.

The confidentiality and privacy of the individuals experiencing, witnessing, reporting, or accused of violations of the Violence Free Workplace policy is of paramount importance. VTA strives to protect confidentiality and privacy to the most reasonable extent possible. However, there are certain circumstances where confidentiality cannot be protected, such as when the law requires disclosure of information and when disclosure required by VTA outweighs protecting the confidentiality of complainants or witnesses.

VTA will take all reasonable measures to foster a safe working environment for all employees. Any violation of this policy will receive prompt and appropriate action. An employee who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including termination from employment.

4.1 Reporting Acts or Threats of Violence

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Employees in the following circumstances shall report threats or acts of violence as detailed below:

- A. Employee is the victim of violence;
- B. Employee believes he/she has been threatened with violence;
- C. Employee witnesses a threat or act of violence towards anyone else; or
- D. Employee has signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work. In this circumstance the employee shall take the following steps:
 - If an emergency exists and the situation is one of immediate danger, the employee shall contact the local law enforcement by dialing 9-1-1, and may take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area.
 - If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or manager and/or the Human Resources Department as soon as possible and complete the Confidential Workplace Violence Incident Report form (copy attached to this policy). The Human Resources Manager will contact the Protective Services Department if deemed necessary.

4.2 Mitigating Measures

Managers and Supervisors shall respond to incidents which threaten the security of employees as soon as possible following their discovery. Mitigating responses to such threats include:

- Notification of law enforcement authorities when a potential criminal act has occurred;
- Notification of VTA's Protective Services Department for security and/or analysis of threats or acts of violence;
- Provision of emergency medical care in the event of any violent act upon an employee;
- Post-event trauma counseling for those employees desiring such assistance;
- Assurance that incidents are handled in accordance with the Violence Free Workplace policy; and
- Requesting the General Counsel to file a restraining order as appropriate.

5.0 ***Definitions:***

5.1 Workplace Violence

VTA adopts the National Institute of Occupational Safety and Health (NIOSH) definition of workplace violence: "Any physical assault, threatening behavior, or verbal abuse occurring at work or on-duty." As it relates to VTA, "at work" or "on duty" means: (1)

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in or around VTA buildings; (2) parking lots; (3) maintenance facilities; (4) bus or train yards; (5) all other VTA and transit grounds; (6) vehicles; (7) in the vicinity where a transit vehicle picks up and carries passengers; and (8) anywhere else work is being performed.

The following describes and expands on types of workplace violence:

- A. Assault: is the threatening of a victim, generally verbal but could also include aggressive physical gestures. Although assault does not include the actual touching of the victim, the victim believes that he/she is being threatened and in danger of being harmed.
- B. Battery: is the intentional act of physically harming or offending another person. Battery can range from simple but unwelcome touching, to attacks resulting in physical harm.
- C. Domestic Violence: A pattern of behavior in which one intimate partner uses physical violence, coercion, threats, intimidation, isolation and emotional or sexual abuse to control the other partner in a relationship. Stalking or other harassing behavior is often an integral part of domestic violence.
- D. Homicide: The killing of one or more human beings by another. This includes murder, non-negligent manslaughter, and manslaughter by negligence.
- E. Robbery: The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or putting the victim in fear.

5.2 Protective Services Department

The department tasked with the responsibility of providing security to VTA employees and customers, as well as evaluating and addressing instances of violence or threats of violence in the workplace. The Protective Services Department shall work with management personnel from Human Resources, Risk Management, the General Counsel's Office, and the department or departments directly impacted by the incident.

5.3 Retaliation

Retaliation is an illegal practice of treating someone in a damaging manner or taking an adverse employment action against an employee because of his/her participation in a protected activity in good faith such as reporting a violation of this policy, filing a complaint or grievance, voicing opposition to violence in the workplace, or serving as a witness in a workplace investigation or lawsuit. Retaliation can be any behavior that is

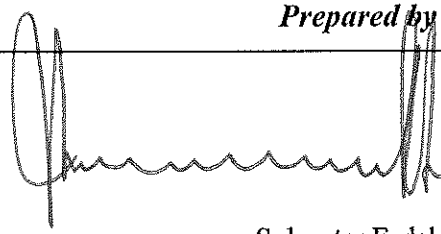
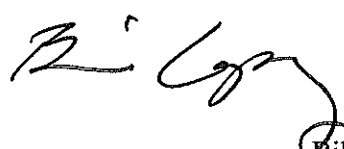
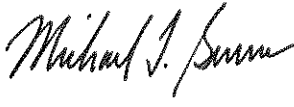
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likely to reasonably deter a worker from engaging in the protected activity. Retaliation against any person for exercising his/her rights or obligations under this policy is expressly prohibited. All employees are encouraged to report violations without fear of retribution.

6.0 Summary of Changes:

This policy was updated to the new format and replaces the original Violence Free Workplace Policy Summary Document. This policy provides a more comprehensive assessment that expands on the definition of workplace violence as it pertains to VTA's workforce and transit environment. This policy is subject to periodic review.

7.0 Approval Information:

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Sylvester Fadal Human Resources Manager	 Bill Lopez Chief Administrative Officer	 Michael T. Burns General Manager

6/25/2013
Date Signed

CONFIDENTIAL WORKPLACE VIOLENCE INCIDENT REPORT

To be completed by the individual reporting the incident.
Return to the Human Resources Department, 3331 N. First Street, Building B-1, (408) 321-5600.

Today's Date: _____
Date of Incident: _____ Time of Incident: _____
Location of Incident: _____

Incident Reported to Law Enforcement? ☐ Yes ☐ No

Person completing form:

Name: _____ Title: _____
E-mail: _____ Phone: _____

Individuals involved in the incident (use additional sheet for additional individuals):

<u>Victim</u>	<u>Alleged Offender</u>
Name: _____	Name: _____
Title: _____	Title: _____
Phone: _____	Phone: _____
Supervisor: _____	Supervisor: _____

Was the victim injured? ☐ Yes ☐ No

If yes, please describe: _____

Describe the incident (Give details: what was said/done, when, where, and how):

(Attach an additional page if necessary.)

List all witnesses (Name, title, unit/department, phone number, and e-mail):

(Attach an additional page if necessary.)

Do you have any relevant documents you would like to include with this report?

☐ Yes ☐ No (If yes, please attach.)

Are you aware of any prior history of violence with any of the individuals involved?

☐ Yes ☐ No

If yes, please describe (Include background details such as violence, weapon possession, personal problems, drugs and/or alcohol history, etc. and any potential warning signs observed and/or reported such as behavior, conduct, stress, etc.):

(Attach an additional page if necessary.)

I certify that all the information provided by me in this document is true, complete, and correct to the best of my knowledge and made in good faith.

Signature: _____ Date: _____

For Human Resources Use Only:

Action Taken:

☐ Manage internally ☐ Refer to Protective Services Department ☐ No action needed ☐ Other

Completed by: _____ Title: _____

Process:

- 1) Complete and return the form to the Human Resources Department as soon as possible.
- 2) The Human Resources Department will investigate the incident described in the form and determine next appropriate steps. The Human Resources Department will inform the individual filing the incident report of the steps taken or being taken. This information will be provided to the individual completing the incident report form within 10 working days from the date the form is received in the Human Resources Department.

Questions regarding this form or its usage may be directed to the Human Resources Department at (408) 321-5600.