

	<p><b>Workplace Violence</b></p> <p><i>Adopted on: 06/22/2016</i></p>
<p><b>Last Revision Date: 10/05/2022</b></p>	<p><b>Policy No. 4.505</b></p>
<p><b>Last Enabling Resolution:</b></p> <p><b>152-2022/910-2022</b></p>	<p><b>Developer/Reviewer:</b></p> <p><b>Human Resources</b></p>

**1. Purpose**

Sedgwick County is committed to being a safe government organization. The Workplace Violence policy is designed to reduce the potential for violence in and around the workplace, and address behaviors and actions which might compromise the workplace safety of Sedgwick County employees. It is aimed to encourage a work environment that is characterized by respect and healthy dispute resolution.

**2. Scope**

This policy applies to all Sedgwick County employees, with the exception of the District Attorney’s Office.

**3. Policy**

Sedgwick County will not tolerate threats or acts of workplace violence as defined in 4.A. Any violent act(s) or threat(s) committed by a Sedgwick County employee will subject that employee to disciplinary action, up to and including termination and/or referral for the consideration of prosecution, as appropriate.

All employees are required to be familiar with this policy and to follow the procedures outlined in the Workplace Violence Procedures 4.505 A if incidents of workplace violence occur. The procedures can be found on e-line, attached to this policy.

**4. Definitions**

For the purpose of this policy, the terms used are defined as follows:

A. **Workplace Violence** – An act or threat of violence by a Sedgwick County employee towards another employee, causing the individual addressed to fear for their safety in the workplace. Incidents of workplace violence may be conducted by or addressed towards more than one employee. The following behaviors and actions may constitute an act of workplace violence as defined in this policy:

1. Verbal, non-verbal, or written communications that would be interpreted by a reasonable person as a threat, or the attempt to provoke a physical fight (e.g., yelling at another person, severe insulting).
2. Physical contact with the intent to cause bodily harm and/or that would be interpreted by a reasonable person as provoking or intimidating.

3. Behaviors and/or actions that would be interpreted by a reasonable person as being aggressive and/or carrying the potential to cause emotional distress or fear for safety in others (e.g., pounding fists, belligerent body language, throwing objects).
  4. Intentional vandalism of Sedgwick County owned property or the property of its employees.
  5. Carrying or displaying a potentially dangerous weapon in a manner reasonably perceived to be threatening. The exception shall be an employee engaged in law enforcement activities in their regular course of employment with Sedgwick County.
  6. Active Shooting
- B. **Workplace** – all places where Sedgwick County business occurs (e.g., Sedgwick County buildings, off-site locations, Sedgwick County owned or personal vehicles).
- C. **Potentially Dangerous Weapon** – Any device, substance or instrument capable of producing bodily harm. These instruments may include any item that, when used in a violent manner, may cause injury or death, regardless of whether the primary purpose of the item is to cause bodily harm.
- D. **Active Shooter** – An individual actively engaged in killing and/or attempting to kill people using a firearm.
- E. **Threat** - A statement and/or behavior/action expressing an intent to inflict pain, injury or damage towards one or more persons or objects.
- F. **Retaliation** – Taking adverse employment action against an employee who reports an act of workplace violence or who assists in the investigation of such (e.g., imposing a hardship, loss of benefit).

## 5. Employee Responsibilities

- A. If an act of violence constitutes an emergency, call 911 immediately.
- B. All employees are responsible to help maintain a violence-free workplace. Employees are expected to promote a safe working environment by governing themselves accordingly and refraining from acts of workplace violence as defined in 4.A.
- C. Sedgwick County employees are expected to abide by all municipal, county, state, and federal laws related to weapon carry.
- D. If an act of workplace violence occurs, employees shall follow the procedures outlined in 4.505 A - Workplace Violence Procedures.
- E. Any employee experiencing or witnessing an act or threat of violence, whether it be from another Sedgwick County employee or from an individual outside the organization, shall immediately report such act or threat to his or her immediate supervisor, another manager, a departmental representative, or the Division of Human Resources.

The recipient of such report shall complete form 4.505 B – Workplace Violence Incident Report and submit the form to Human Resources within two (2) business days.

- F. In the event any act of violence or accidental discharge of a firearm occurs, it shall be the responsibility of the employee to file a written request for legal counsel pursuant to the Kansas Tort Claims Act (K.S.A. 75-6101, et seq.) for any action in which the employee is named as a defendant. Any request for the County to provide for the defense of an employee shall be made to the County Clerk, County Treasurer or the Board of County Commissioners and must be made within fifteen (15) calendar days from receipt of service of process or demand letter received from a claimant or claimant’s legal counsel. It shall be in Sedgwick County’s sole discretion as to whether an employee acted within the scope of his or her employment and whether a defense will be provided. Any decision to provide a defense to an employee shall be strictly contingent on the employee cooperating in good faith with the defense of the claim or action, regardless of whether employment with the County is continued for the duration of the proceedings.
- G. Any damage caused to Sedgwick County property as a result of an act of violence or accidental discharge of a firearm shall be the responsibility of the employee that caused the damage. The exception shall be an employee engaged in law enforcement activities in their regular course of employment with Sedgwick County.
- H. Risk Management shall be notified of the incident as soon as possible in cases of
  - 1. property damage, and/or
  - 2. injury to an individual

**6. Supervisor and Manager Responsibilities**

- A. All supervisors, managers, and other departmental representatives that receive reports about workplace violence shall ensure that incidents are properly documented and reported by following the procedures outlined in 4.505 A - Workplace Violence Procedures.

**7. Investigations**

- A. Any employee who believes they may have experienced an act of workplace violence in violation of this policy, or who observes such conduct, is encouraged to file a complaint.
- B. Filing of a complaint is not a waiver of any other rights or privileges the complainant may have against the respondent.
- C. Complaints must be filed within ninety (90) calendar days of the most recent incident.
- D. Complaints may be made verbally or in writing to:
  - 1. The employee’s immediate supervisor, departmental representative, Division/Department Director, or Elected/Appointed Official;
  - 2. The Division of Human Resources; or
  - 3. An Assistant County Manager, Deputy County Manager, or County Manager.

- E. The Division of Human Resources reserves the right to investigate any alleged or potential acts of workplace violence of which they become aware. Additionally, the Division reserves the right to refrain from investigating allegations, if criminal proceedings have begun.
- F. If it is determined that an employee constitutes a threat to the safety of others, the employee may be terminated before an investigation is concluded.
- G. Employees covered by the Civil Service Board will fall under applicable Civil Service policies.
- H. If, for any reason, the Chief Human Resources Officer (CHRO) determines there is a conflict of interest that would taint an investigation in any manner, outside legal counsel or a 3rd party vendor may be retained to investigate the matter. The CHRO and/or County Counselor will arrange for and initiate such outside investigation.
- I. If the County Manager is the subject of the complaint, the Board of County Commissioners (BOCC) will be notified by the CHRO and County Counselor. See subsection (M) regarding procedure when the County Manager is the subject of the complaint.
- J. Investigations shall be conducted within thirty (30) calendar days after the alleged act of workplace violence was reported to the Division of Human Resources. If needed, the CHRO may request a time extension from the County Manager. If the County Manager is the complainant or respondent, the BOCC may grant such extension. No Sedgwick County employee within the Division/Department of the complainant or respondent should take part as an investigator.
- K. During the period of investigation:
  - 1. The assigned investigator(s) shall make and keep a written and/or auditory record of the investigation, including notes of verbal responses made to the investigator(s) by the complaining party, by witnesses interviewed during the investigation, by the person against whom the report was made, and by any other person contacted by the investigator(s) in connection with the investigation.
  - 2. Employees participating in complaints may be placed on relief of duty with pay at the discretion of the CHRO.
- L. Findings and Determinations: In determining if the allegations are substantiated, the investigator(s) shall look at the record as a whole and the totality of the circumstances, including but not limited to the nature of the alleged conduct; the context in which the conduct occurred; and the conduct of the complaining party. The determination of whether violations of this policy occurred will be made on a case-by-case basis.
  - 1. Unsubstantiated Complaints:
    - a. Reports of workplace violence that are investigated and are not substantiated will be closed by sending a letter to the complainant and the respondent. In these instances, the Division/Department or office of the Elected/Appointed Official may or may not be notified.

2. Substantiated Complaints:

- a. After the completion of the investigation, a written report stating that the policy violation was substantiated will be submitted to the County Manager for review. If the County Manager is the complainant or respondent, the report will be submitted to the BOCC (see subsection (M)). The Sheriff will receive all investigation reports pertaining to employees of the Sheriff's Office.
- b. The investigative summary, along with the conclusions and recommendations, will be reviewed. The reviewing party will advise the complainant and the respondent in writing of the conclusions of the investigation within fourteen (14) calendar days after the receipt of the report from the investigator(s).
- c. The reviewing party will convey to the Division/Department Director or Elected/Appointed Official the recommended remedial action. The reviewing party and the Division/Department Director, or Elected/Appointed Official shall take immediate and appropriate disciplinary action against the employee found to have committed the violation(s) in a manner which is consistent with their legal authority. The disciplinary action shall also be commensurate with the nature and severity of the policy violation. A written record of any disciplinary action taken shall be kept in the respondent's official personnel file.
- d. When Human Resources personnel have completed an investigation into an alleged violation of this policy with a finding of a policy violation resulting in a recommendation for termination, the employee shall not receive form 4.608T and will not be eligible for a Final Review Hearing. In these instances the employee will be ineligible for rehire.

M. Separate Investigations: Complaints by or against the CHRO or County Manager may be investigated by outside legal counsel or a 3rd party vendor.

1. When an investigation concerning the County Manager is complete, it shall be submitted, within a reasonable time, to the BOCC in a closed executive session. If the BOCC determines that the complaint of violation is substantiated, the BOCC may discipline the County Manager consistent with its legal authority to do so. Other corrective action may be taken at the discretion of the BOCC.
2. When an investigation concerning the CHRO is completed by the investigator(s), it shall be submitted to the County Manager who may discipline the CHRO consistent with the Manager's legal authority. Other corrective action may be taken at the discretion of the County Manager.

N. Complaints against Non-Employees

If a violation of this policy is committed by a non-employee against a Sedgwick County employee, the CHRO, or designee, shall take steps to ensure that the behavior is brought to an immediate end.

O. Confidentiality

Complaints of a violation of this policy, the ensuing reports, investigation, determination of policy violations, and resulting disciplinary actions are not open public records. They will be treated as confidential personnel records and will not be disclosed except as necessary and consistent with the goals of this policy and with the laws on disclosure of such documents. During an investigation, all witnesses will be advised that the investigation is to be kept confidential to the extent possible.

P. Training

The Division of Human Resources shall be responsible for implementing this policy, disseminating it to all employees and conducting training in conjunction with appropriate subject matter experts with respect to their roles and responsibilities. Departments will ensure that their employees are informed about the latest evacuation regulations applicable to their buildings.

Q. Prohibition Against Retaliation

Retaliating against a person using or being involved in the Sedgwick County Complaint Process is prohibited by this policy and such retaliation will be subject to disciplinary action up to and including termination.