

Chief Administrative Office POLICY MEMORANDUM	Date of Issue 10/10/00 05/05/2018 – Rev 03/08/2018 – Rev 03/26/2018 – Rev 08/23/2019 – Rev	Expiration Date N/A	No. 34R
TO: ALL Divisions and Departments		SUBJECT:	
SIGNATURE: 		POLICY ON VIOLENCE IN THE WORKPLACE	

PURPOSE & SCOPE -The purpose and scope of this policy is to establish procedures for minimizing and responding to acts of violence by Lexington-Fayette Urban County Government (LFUCG) employees, customers, the general public, and anyone who conducts business with the LFUCG.

POLICY - The LFUCG does not tolerate workplace violence, or the threat of violence, by any of its employees, customers, the general public, or anyone who conducts business with the LFUCG. The LFUCG will strive to provide a workplace that is free from intimidation, threats, and violent acts.

DEFINITIONS

Workplace violence includes, but is not limited to, intimidation, bullying, stalking, intimate partner violence, disruptive behavior, harassment, threats, physical attacks, and intentional or reckless property damage that occurs at any location where an employee performs any work-related activities or while using LFUCG equipment or resources.

Intimidation includes, but is not limited to, unwarranted behavior intended to frighten or induce duress.

Bullying is unwanted offensive and malicious behavior that undermines an individual or group through persistently negative attacks. The behavior generally includes the element of vindictiveness, and is intended to humiliate, intimidate, or demean the recipient.

Stalking involves alarming, annoying, intimidating, or harassing an individual in person, in writing, by telephone, or by any digital or electronic means. Stalking also involves following, spying, alarming, or causing distress to an individual or an individual’s family member or pet, and may involve physical violence, the fear of physical violence, or property damage.

Intimate partner violence is patterned behavior that is meant to control, intimidate, frighten, and undermine an individual through a past or current intimate relationship. It may include, but is not limited to, physical, sexual, psychological, emotional, or economic abuse or stalking.

A threat is the expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional, or future.

Physical attack is unwanted or hostile physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects.

Property damage is intentional or reckless damage to property that includes property owned by the LFUCG, employees, or others (the public, other agencies, companies, or vendors).

Supervisors as noted in this document, include Commissioners, Directors, Managers, Supervisors, and any individual with the responsibility for supervision of another employee(s).

PREVENTION OF VIOLENCE IN THE WORKPLACE - The LFUCG subscribes to the concept of a safe work environment and the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting system to report incidents of violence without fear of reprisal.

REPORTING THREATS - INTERNAL AND EXTERNAL - Each incident of violent behavior, whether the incident is committed by another employee or a member of the public, shall be reported to the victim/witness' immediate supervisor, another supervisor, or Director of Human Resources. The supervisor of an employee aggressor shall also be notified. Directors or the Administration shall assess and investigate the incident and determine the appropriate action to be taken - both to address the immediate situation and, subsequently, to take further action. They shall also notify the Division of Police of all perceived violations of criminal statutes and ordinances and shall inform the CAO's office and the Division of Human Resources for investigation of all reported incidents of workplace violence for evaluation to prevent future occurrences.

In critical incidents in which a serious threat or injury occurs, emergency responders such as Division of Police and the Division of Fire and Emergency Services shall be immediately notified. As necessitated by the seriousness of the incident, the Director of Human Resources or a designee may assemble a Crisis Response Team consisting of representatives from the CAO's Office, Division of Risk Management, Division of Human Resources, Employee Assistance Program, Department of Law, Division of Police, Division of Fire and Emergency Services and others as deemed necessary to assess the situation, recommend appropriate corrective actions, and address safety and other concerns of victims and witnesses.

An employee who, in good faith, reports actual or suspected violent behavior shall not be subject to any form of retaliation or harassment. The name of an employee reporting acts of violence shall be kept confidential to the extent possible. Any retaliation or harassment shall be reported to the employee's immediate supervisor, another supervisor, or the Director of Human Resources for investigation and disposition.

Even in the case where an employee has not secured a court order, but fears for his or her safety, the employee should notify the Division of Police immediately and should inform his or her immediate supervisor.

PROHIBITED ACTIONS AND SANCTIONS - It is a violation of this policy to engage in any act of workplace violence. Any employee who has been determined to be in violation of this policy will be subject to Section 6 of the LFUCG Uniform Guidelines on Disciplinary Action up to and including dismissal. The victim will be responsible for initiating any criminal actions against the aggressor.

EMPLOYEES ASSISTANCE PROGRAM (EAP) - Should an employee become the victim of an incident of workplace violence, the LFUCG will offer the assistance of EAP to help the employee cope with any effects of the incident. An employee who commits an act of violence may be referred to the EAP in accordance with Section 6 of the LFUCG Uniform Guidelines on Disciplinary Action.

Restraining/Protective Order - An employee who obtains a protective, restraining, or injunctive order against an LFUCG employee or other person, which lists LFUCG locations as protected areas, should notify his or her immediate supervisor, another supervisor, or the Director of Human Resources about the order and provide a description of the individual(s) cited in the order. For a supervisor to take action on an employee's restraining, protective, or injunctive order, the employee must provide a copy of the order. When an employee has a valid order in place, Security will be notified. If the order is violated, the Division of Police will be informed immediately.

Even in the case where an employee has not secured a court order, but fears for his or her safety, the employee should notify the Division of Police immediately and inform his or her immediate supervisor. The employee has the burden of procuring a court protective order.

EMPLOYEE TRAINING - The Division of Human Resources will provide periodic mandatory training at Management Orientation and at the Directors' meetings. Resources will be made available for employees who are the victim of or witness to workplace violence.

MAINTENANCE OF THIS POLICY - This policy shall be maintained and updated by the CAO's office.

STATISTICS- For EEO reporting, the Division of Human Resources shall establish and maintain a database to generate management data/statistics on the incidence of workplace violence in the LFUCG. The collected data/statistics shall be securely maintained.