

Personnel Rule 8.1 – Workplace Violence Prevention

8.1.0 Authority

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making authority

SMC 4.78 and subsequent revisions thereto, Workplace Violence Prevention Program

Mayor's Executive Order dated September 20, 1995 regarding Violence in the Workplace

SMC 4.04.230 and subsequent revisions thereto, Progressive discipline

SMC 12A.06 and subsequent revisions thereto, Offenses against persons

8.1.1 Definitions

- A. "Administrative reassignment" shall mean the removal of an employee from the workplace without loss of pay, paid leave or benefits, authorized by the appointing authority when the employee is the cause or subject of, or otherwise significantly affected by an active investigation related to alleged violations of personnel rules, City ordinances, or state or federal laws or regulations, or an investigation intended to determine the employee's fitness for duty.
- B. "Appointing authority" shall mean the head of an employing unit, or his or her designated management representative, authorized by ordinance or City Charter to employ others on behalf of the City. The term includes and can be used interchangeably with department head, department director, superintendent and chief.
- C. "Dangerous weapon" shall mean any device or implement designed, intended or used as an instrument for inflicting bodily injury including, but not limited to, firearms; swords, spears, javelins, knives, daggers, dirks, switchblades or any other edged or pointed cutting or stabbing weapons with a blade in excess of 3 ½ inches in length; bows, cross-bows, arrows, slingshots or other similar devices designed to throw a missile or other object; clubs, bats, sticks, saps, brass knuckles or any other similar striking or clubbing implement; any martial arts device capable of being used to inflict bodily injury; explosives and explosive devices; electronic stunning devices; and any device discharging a chemical designed or intended to incapacitate persons.
- D. "Employing unit" shall mean any department of the City and, within the Executive and Legislative Departments, any office established by ordinance.
- E. "Fit for Duty Medical Examination" shall mean a medical examination of an employee conducted when an accident, injury, incident or the employee's behavior, speech or appearance causes a supervisor to suspect that the employee's ability to satisfactorily perform work with reasonable skill or safety may be impaired.

- F. “Seattle Human Resources Director” shall mean the head of the Seattle Department of Human Resources or his or her designated management representative.
- G. “Regularly appointed employee” shall mean an employee with an exempt, probationary or regular appointment to a position of City employment.
- H. “Retaliation” shall mean adverse acts taken against an individual because he or she has complained about workplace violence, has participated in an investigation of workplace violence, or has supported another individual who has complained about workplace violence.
- I. “Workplace” shall mean the building or work area constituting the principle place where work is performed or assigned, including common areas and private or personal work areas; any remote area where an employee is engaged in official business; and any vehicle, either employer- or privately owned, when used for official business purposes.
- J. “Workplace violence” shall mean threats or threatening behavior when such activities occur in or arise from the work place, including but not necessarily limited to:
 - 1. Assault—a physical or verbal attack;
 - 2. Physical harassment—a threat to do harm to another person’s physical or mental health or safety with the intent to annoy or alarm that person, including but not limited to obscene phone calls, stalking and unlawful coercion;
 - 3. Verbal harassment—a verbal threat toward persons or property, the use of vulgar or profane language toward others, disparaging or derogatory comments or slurs, offensive sexual flirtations and propositions, verbal intimidation, name-calling; and
 - 4. Visual harassment—posters, cartoons, publications (including electronic publications), drawings or similar materials that are intended to be derogatory or offensive; or threatening or offensive gestures;

8.1.2 Application of this Rule

- A. This Rule applies to regularly appointed employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.
- C. This Rule does not apply to employees who are employed under the terms of a grant that includes provisions that conflict with this Rule. Such workers are subject to applicable federal, state and local laws.
- D. This Rule does not apply to individuals hired by the City on an interim, on-call, seasonal or temporary basis, or for a work schedule of fewer than 20 hours per week; nor does it apply to individuals hired under contract to the City. Such workers are subject to applicable federal, state and local laws.

- E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel systems within their employing units, provided that such procedures do not conflict with the provisions of this Rule.

8.1.3 Workplace Violence Prevention Policy

- A. The City of Seattle shall not tolerate workplace violence by or against its employees, its customers or clients, or by visitors to its workplaces. Employees who violate this Rule shall be subject to prompt and appropriate disciplinary action and may be subject to additional penalties under the laws of the City of Seattle and the State of Washington. In addition, an employee who commits or threatens to commit acts of workplace violence may be required to undergo a fit for duty medical examination to determine if the employee is fit to work or presents a safety risk to him or herself or to others.
- B. Except as provided by Rule 8.1.3 C, the possession and use of dangerous weapons by employees or by visitors while on City property, conducting City business, or while in a City vehicle is prohibited.
 - 1. Employees who carry dangerous weapons in their personal vehicles are prohibited from bringing or leaving those vehicles on City property or using those vehicles in the conduct of official City business.
 - 2. Employees may carry mace or pepper spray for their personal protection onto City property, except where specifically prohibited, as long as those devices are concealed from sight and stored in a secured compartment. Except for employees specifically allowed to use mace or pepper spray in the normal course of their duties, the use of these substances is prohibited and subject to disciplinary action.
- C. Employees who are authorized to possess dangerous weapons or carry firearms in the performance of their duties or under the authority of their commission shall use such weapons or firearms only in the manner and for the purposes authorized.
- D. Employees are encouraged to promptly report any threat or act of workplace violence whether or not any physical injury has occurred. Such reports shall be taken seriously, dealt with appropriately, and, except as required by law, treated as confidential to the extent that it does not hinder the investigation or resolution of the report.
- E. The City prohibits and shall not tolerate retaliation against an employee who in good faith files a complaint of workplace violence or provides any information about such complaint.

8.1.4 Citywide Workplace Violence Prevention Program

- A. The Seattle Human Resources Director shall implement a Citywide Workplace Violence Prevention Program, to include program guidelines and procedures for security assessment, prevention and control; training, reporting and responding to workplace violence incidents; and record-keeping.

- B. The Seattle Human Resources Director shall designate a Citywide Workplace Violence Prevention Program Coordinator who shall advise and assist each employing unit to develop and maintain a Workplace Violence Prevention Program.
- C. The Seattle Human Resources Director shall compile Citywide information for purposes of program evaluation, and shall maintain and update the program as necessary to ensure its relevance and application in promoting a safe workplace.