



ADMINISTRATIVE POLICY

CITY OF KINSTON, NORTH CAROLINA		DEPARTMENT HUMAN RESOURCES		
SUBJECT	WORKPLACE VIOLENCE PROHIBITED	POLICY NUMBER	REVISION NO.	EFFECTIVE DATE
		5	0	07/01/2004
		SUPERSEDES	PREPARED BY  HR DIRECTOR	APPROVED BY  CITY MANAGER

1.0 Purpose:

To establish a policy strictly prohibiting any form of violence in the workplace whether perpetrated by or towards employees of the City of Kinston assigning where appropriate accountability to the supervisor for such conduct by individuals under his/her supervision, and providing the means to effectively and promptly investigate and resolve allegations of workplace violence.

2.0 Departments Affected:

All Departments

3.0 Policy:

The City of Kinston is committed to providing a safe work environment. For this reason, the City has adopted a zero tolerance policy for workplace violence. Consistent with this policy, acts or threats of physical violence towards persons or property, including intimidation, harassment, and/or coercion, which involve or affect the City of Kinston or which occur on City property or City work sites will not be tolerated. Violations of this policy will result in disciplinary action up to and including dismissal and may result in arrest and/or prosecution.

4.0 Definitions

4.1 "Acts or threats of violence": include conduct against persons or property that is sufficiently severe, offensive, or intimidating so as to alter the employment conditions at the City of Kinston, or to create a hostile, abusive, or intimidating work environment for one or more employees of the City. Examples of Workplace Violence shall include but are not limited to the following:

4.1.1 All acts or threats of violence occurring on City of Kinston property or work sites, regardless of the relationship between the City and the parties involved in the incident.

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- 4.1.2 All acts or threats of violence not occurring on City property or work sites but involving an employee who is acting in the capacity of a representative of the City of Kinston.
- 4.1.3 All acts or threats of violence by an employee not occurring on City property or work sites of the City of Kinston if the acts or threats of violence affect the legitimate interests of the City of Kinston.
- 4.1.4 Any acts or threats resulting in the conviction of an employee or agent of the City of Kinston, or of an individual performing services on the City's behalf on a contract or temporary basis, under any criminal code provision relating to acts or threats of violence that adversely affect the legitimate interests and goals of the City of Kinston.

4.2 Prohibited Conduct:

Examples of conduct that may be considered "acts or threats of violence" prohibited under this policy include, but are not limited to, the following:

- 4.2.1 Hitting or shoving an individual.
- 4.2.2 Threatening to harm an individual or his/her family, friends, associates, or their property.
- 4.2.3 The intentional destruction or threat of destruction of property owned, operated or controlled by the City of Kinston.
- 4.2.4 Making harassing or threatening statements by telephone, letter or other forms of written or electronic communication.
- 4.2.5 Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City.
- 4.2.6 Harassing surveillance, also known as "stalking", the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety.
- 4.2.7 Unauthorized possession or inappropriate use or brandishing of firearms, weapons, or any other dangerous devices on City property or City work sites.

5.0 Procedure:

- 5.1 The City of Kinston's prohibition against threats and acts of violence applies to all persons involved in the City's operation, including but not limited to City personnel, contract and temporary workers, and anyone else on City of Kinston property or work sites.

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- 5.1.1 Violations of this policy by any employee of the City of Kinston shall be deemed "misconduct" under the provisions of the City's Disciplinary Action Policy, No. 11 and shall result in disciplinary action up to and including dismissal. Further, depending on the severity of the violation, the City reserves the right to pursue criminal action, including arrest and prosecution as deemed necessary.
- 5.1.2 Violations of this policy by contracted employees or any persons other than City employees may result in the City exercising its right to pursue criminal action, including arrest and prosecution if it is deemed to be in the public interest or the City's business interests.
- 5.2 Each employee of the City has an affirmative obligation to immediately report incidents of acts or threats of physical violence of which he/she is aware. The report shall be made immediately to the reporting individual's immediate supervisor, a management level supervisory employee if the immediate supervisor is not available, or to the Director of Human Resources.
 - 5.2.1 In cases where the reporting individual is not a City employee, the report should be made to the City Manager or to the City of Kinston Police Department which shall conduct an investigation and pursue criminal action including arrest and prosecution if it is deemed to be in the public interest or the City's business interests.
 - 5.2.2 Failure by a City employee to report acts or threats of violence may result in disciplinary action.
- 5.3 Each supervising employee shall promptly refer any such incident to their department head or, if unavailable, to the next appropriate management level supervisor. Further, it shall be the responsibility of the immediate supervisor to take whatever corrective action is necessary to ensure that the safety and wellbeing of other employees or citizens is protected and that, to the extent possible, the situation is defused pending further investigation and review.
- 5.4 The department head shall immediately initiate a thorough investigation of the incident. Should circumstances warrant, the department head may immediately place any City employee involved in the incident on investigative suspension without pay to allow sufficient time to conduct the investigation in accordance with the City's Disciplinary Action Policy No. 11, Section 7.0.
 - 5.4.1 If the incident of workplace violence involves a City employee or City employees, the department head shall report the incident and all pertinent known facts to the Director of Human Resources and the City Manager. It shall be the responsibility of the department head to make appropriate recommendations regarding the proposed disciplinary action to the Director of Human Resources and the City Manager.