

## Administrative Order



**Administrative Order No.:** 7-36

**Title:** Workplace Violence

**Ordered:** 3/9/2000

**Effective:** 3/19/2000

### **AUTHORITY:**

Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter.

### **POLICY:**

It is the policy of Miami-Dade County to ensure that all employees are able to enjoy a work environment free from all forms of violence and threats of violence. This policy includes an absolute prohibition against employees carrying firearms or personal weapons onto any County property, except as may be specifically authorized by law.

### **EXCEPTION:**

An exception to this is the Trail Glades Firing Range, where (licensed) employees may carry weapons or firearms when off-duty (County Code, Ch. 26, Rule 13). The County will absolutely not tolerate any deviation from this stated policy, and violations of this policy may result in disciplinary action, up to and including dismissal from County service.

### **DEFINITION:**

Workplace violence or occupational violent crime (OVC) is defined as violent and/or threatening behavior in the workplace. Threatening behavior includes any behavior that could be interpreted by a reasonable person as an intent to cause physical harm to another individual. Threatening behavior may, or may not, include the actual act of physical force, with or without a weapon, toward another individual. Threatening behavior may be verbal or non-verbal.

Employees, who have knowledge of violent acts or threats of violence in the workplace, must report through the appropriate chain of command and have the right to have those complaints investigated.

Employees, who engage in violent or threatening acts against other employees or the public, shall be subject to appropriate sanctions, depending upon the circumstances, up to and including termination of employment, as well as possible criminal charges.

In the event disciplinary action is less than termination, there shall be mandatory referral to the County's Employee Support Services Unit (ESS). The County will work with appropriate law enforcement agencies to aid in the investigation and prosecution of anyone who commits a violent act in the workplace.

## **IMPLEMENTATION:**

In order to effectively implement the above policy, all County employees must refrain from:

1. Committing any violent physical act in the workplace against another County employee or member of the public;
2. Carrying or bringing any firearms or personal weapons onto any Miami-Dade County property, unless appropriately licensed and required to carry a firearm or weapon in the course of fulfilling job responsibilities, at and in accordance with the rules and regulations of the Trail Glade Ranges, or as may otherwise specifically be authorized by law. This prohibition on firearms and personal weapons extends to County vehicles, as well as privately-owned vehicles on County property;
3. Making verbal or non-verbal threats of violence toward another person. Threats shall include any behavior or words that would reasonably cause another person to fear bodily harm.
4. Taking disciplinary action or other adverse employment action against another employee because of that person's complaining of, reporting, or seeking redress for violent or threatening behavior perpetrated upon them or others in the workplace;
5. Intentionally destroying property or possessions of co-workers or Miami-Dade County without authorization; or,
6. Exhibiting any other conduct or actions which falls within the above-stated definition of workplace violence.

## **REPORTING PROCEDURE:**

Employees have the right and are encouraged to report knowledge of violent acts or threatening behavior to their supervisor. It shall be each supervisor's responsibility to swiftly and thoroughly investigate such reports, or to report such complaints to the appropriate department or law enforcement authority.

Supervisors shall report all violent acts or threatening behavior, complaints or reports of same, and results of their investigation to their department director or designee. Additionally, the concerned department shall be responsible for reporting any potential criminal action to the appropriate law enforcement agency. Department

management shall take appropriate action to ensure the safety and welfare of its employees and the public.

## **ENFORCEMENT:**

Any employee who violates any provision of this Administrative Order shall be subject to appropriate action by the employee's department, in accordance with Administrative Order 7-3, Disciplinary Action. Upon receipt of a complaint regarding an employee, the concerned department director or designee shall immediately determine whether allowing the employee to continue working could pose a danger to the health, safety or welfare of the public, co-workers, or the employee. If a danger is possible, the department director or his designee shall report all relevant information concerning the matter to the appropriate law enforcement agency and may relieve the employee from duty and place him/her on administrative leave. The department director or his designee shall refer the employee to ESS for counseling and/or referral. Such referral shall not preclude disciplinary action or possible criminal sanctions, which shall be administered in conjunction with ESS referral and shall be imposed in accordance with existing County and departmental rules. The Labor Management and Employee Appeals Division of the Employee Relations Department shall be consulted on any disciplinary action imposed for violation of this Administrative Order.

## **MANAGEMENT GUIDELINES:**

The guidelines below apply to all County employees and are intended to aid managers in dealing with violent or potentially violent situations at work.

### **Immediate Action When Incidents Occur**

Any employee observing violent or threatening behavior is expected to first secure his/her own safety and then:

- I. Emergency Situations
  - a. Call 911 and report as many details as possible so that the appropriate emergency response units can be dispatched. The employee should be prepared to provide a description of the violent or threatening individual(s) and the exact location of the incident. It is difficult to give specific instructions for each situation. We do not wish to endanger any employee, therefore, employees should not be encouraged to do anything that jeopardizes their safety.
  - b. Contact his/her supervisor. If the supervisor is the threatening individual, the employee should notify someone else in the departmental chain of command.

## II. Non-Emergency Situations

Who you contact and when will depend on the seriousness of the situation. It is in everyone's best interest to make a good faith effort to defuse violent or potentially violent situations as quickly as possible to prevent their escalation and threat to others. The general steps you should follow are:

- a. Encourage and assist employees to resolve their differences by non-violent means;
- b. If the situation escalates, contact his/her supervisor. If the supervisor is the threatening individual, the employee should notify someone else in the departmental chain of command.

### **Appropriate Follow-Up**

If disciplinary action is contemplated, the following should occur:

1. Separately interview all persons involved, including any witnesses, in order to obtain an accurate account of the incident;
2. Document the statements of witnesses and others interviewed;
3. Advise those employees who may be subject to disciplinary action based on the incident that they have the right to be represented during the interview, in accordance with Administrative Order 7-3 ; and
4. Contact the Labor Management and Employee Appeals Division of the Employee Relations Department for advice and assistance in this process.

### **Relieved From Duty**

If a situation involving an employee is serious enough that possible termination may be involved, and/or the continued presence of the employee at the worksite would present a danger, the employee may be relieved from duty and ordered not to return to the worksite until further notice. This action may only be taken with the department director's concurrence.

### **Resources for Advice and Assistance**

After the initial incident has been responded to, the supervisor/manager may need advice and assistance from other County entities. These may include:

Employee Relations Department  
Employee Assistance Program, Employee Support Services Unit  
Labor Management and Employee Appeals Division

General Services Administration Department

Office of Safety  
Security Management  
Office of Fair Employment Practices  
Emergency Assistance (if appropriate)

This Administrative Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

M. R. Stierheim  
County Manager