

Memorandum

MIAMI-DADE
COUNTY

Date: February 4, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Agenda Item No. 8(F)(10)

Resolution No. R-105-20

Subject: Resolution Rescinding Administrative Order No. 7-36 and Approving Implementing Order No. 7-36: Workplace Violence

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution rescinding Administrative Order No. 7-36 and authorizing Implementing Order (IO) No. 7-36 establishing policies and procedures to ensure that all County employees are able to enjoy a work environment free from all forms of violence and threats of violence.

Scope

This Implementing Order will have a countywide impact.

Fiscal Impact/Funding Source

It is anticipated that approval of this IO will not create a fiscal impact to the County.

Track Record/Monitor

The Human Resources Department will be responsible for administering this IO.

Background

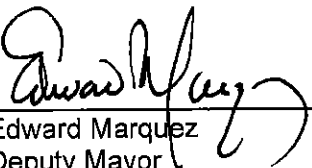
Workplace violence, whether initiated from inside or outside an organization, is a very serious problem being addressed by employers today. According to the Bureau of Labor Statistics, Census of Fatal Occupational Injuries, there were 5,250 fatal work injuries recorded in the United States in 2018, 453 were cases of intentional injury by another person. Workplace violence 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.

In 2011, the Florida Legislature amended section 790.33, Florida Statutes, which provides for the imposition of financial and other penalties on local governments, elected officials and staff who regulate firearms, ammunition or components thereof. However, state law provides a limited exception that a local government may continue to regulate or prohibit the carrying of firearms and ammunition by an employee of the local government during and in the course of the employee's official duties.

This Implementing Order delineates a firm, clear policy and procedure regarding workplace violence. The proposed Implementing Order updates: (1) outdated County departments and processes; (2) reporting requirements and procedures for supervisors related to violent acts or threatening behavior; (3) language prohibiting employees against carrying firearms and personal weapons during and in the course of the employee's official duties; (4) the exemption of certain County employees from the prohibition against carrying weapons or firearms; and (5) who to contact when an employee observes a violent act or threatening behavior.

Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
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The County will not tolerate any deviation from this policy, and violations of this policy may result in disciplinary action, up to and including dismissal from County service.


Edward Marquez
Deputy Mayor

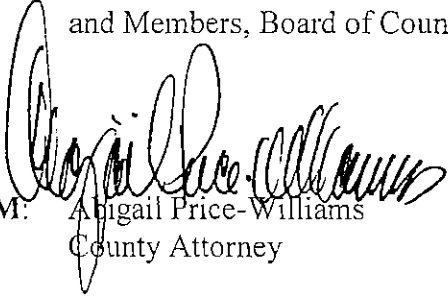


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 4, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(F)(10)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(F)(10)
2-4-20

RESOLUTION NO. R-105-20

**RESOLUTION RESCINDING ADMINISTRATIVE ORDER NO.
7-36, WORKPLACE VIOLENCE, AND APPROVING
IMPLEMENTING ORDER NO. 7-36, WORKPLACE VIOLENCE**

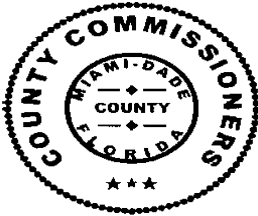
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board rescinds Administrative Order No. 7-36 and approves the attached Implementing Order No. 7-36 governing the policies concerning workplace violence, in substantially the form attached.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**
who moved its adoption. The motion was seconded by Commissioner **Xavier L. Suarez**
and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye		
Rebeca Sosa, Vice Chairwoman	aye		
Esteban L. Bovo, Jr.	absent	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	aye
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	absent
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of February, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Linda L. Cave

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "SG" followed by a flourish.

Shanika A. Graves

**MIAMI-DADE COUNTY
IMPLEMENTING ORDER**



WORKPLACE VIOLENCE

Implementing Order No.: 7-36

Title: Workplace Violence

Ordered:

Effective:

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 during and in the course of the employee's official duties, except as may be specifically provided herein.

SUPERSEDES:

This Implementing Order supersedes previous Administrative Order 7-36, ordered March 9, 2000, and effective March 19, 2000.

EXCEPTION:

Exempted from this policy are employees who are required to carry weapons or firearms, in the course of fulfilling job responsibilities and are appropriately licensed and trained by a certified weapons or firearms instructor, in accordance with standards promulgated by the Florida Department of Law Enforcement and/or other standards adhered to by Miami-Dade County. 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 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 also 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 of the employee to the County's Employee Support Services Unit (ESS), Human Resources Department, Benefits Administration Division. 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 any firearms during and in the course of the employee's official duties, or carrying personal weapons onto any Miami-Dade property. Exempted from this prohibition are employees who are required to carry weapons or firearms, in the course of fulfilling job responsibilities and are appropriately licensed and trained by a certified weapons or firearms instructor, in accordance with standards promulgated by the Florida Department of Law Enforcement and/or other standards adhered to by Miami-Dade County.
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 of Miami-Dade County without authorization.
6. Exhibiting any other conduct or action 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. Supervisors shall swiftly and thoroughly investigate such reports and 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 employees and the public.

ENFORCEMENT:

Any employee who violates any provision of this Implementing 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 such danger exists, the department director or department director's 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 department director's 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 Relations and Compensation Division of the Human Resource Department shall be consulted on any disciplinary action imposed for violation of this Implementing 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 another employee displaying/exhibiting 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. While it is difficult to give specific instructions for each situation, we also do not wish to endanger any employee. Therefore, employees who encounter violent or threatening behavior should not do anything that jeopardizes their own safety.

- b. Should time permit, call Internal Services Department, Office of Security Management at 305-375-4500 or the appropriate department security personnel.
- c. 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 Relations and Compensation Division of the Human Resources 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/workplace 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:

- **Human Resources Department**

- Benefits Administration Division, Employee Support Services Section
- Labor Relations & Compensation Division
- Human Rights & Fair Employment Practices Division

- **Internal Services Department**

- Facilities & Infrastructure Management Division, Office of Security Management

- **Emergency Assistance (if appropriate)**

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

Carlos A. Gimenez
Mayor