



Division of Administration and Business Services
Risk Management

Workplace Violence Prevention Plan

Procedures and Protocol

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WORKPLACE VIOLENCE PREVENTION PLAN

The Riverside County Office of Education (RCOE) is committed to providing a safe and secure environment free of violence and threats of violence and to safeguarding all students, employees and guests entering RCOE properties whether owned or leased. Any behavior that may occur at the workplace, and during the performance of everyday duties, that raises concerns for the safety of another person's life, health, well-being, family, or property, whether direct or indirect, constitutes unacceptable conduct.

RCOE has no tolerance for harassment, intimidation, threats or acts of violence in the workplace.

Workplace violence is any act of violence or threat of violence that occurs in a place of employment, including, but not limited to, the following: (i) the threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury; (ii) an incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury; and (iii) the following four workplace violence types:

- **Type 1 Violence:** workplace violence committed by a person who has no legitimate business at the worksite, including violent acts by anyone who enters the workplace or approaches employees with the intent to commit a crime.
- **Type 2 Violence:** workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.
- **Type 3 Violence:** workplace violence against an employee by a present or former employee, supervisor, or manager.
- **Type 4 Violence:** workplace violence committed in the workplace by a person who does not work there but has or is known to have had a personal relationship with an employee.

Some examples of workplace violence include but are not limited to:

- Hitting, shoving, striking, or blocking an individual.
- Shouting, yelling or verbal harassment, directly or indirectly.
- Threatening an individual or his/her family, friends, associates, or property with harm.
- The intentional destruction or threat of destruction of RCOE's property.
- The suggestion or intimidation that violence is appropriate.
- Unauthorized possession or inappropriate use of firearms or weapons (see weapons prohibited below).
- Threatening or attempting self-injury or suicide.

This WVPP is intended to supplement RCOE's Comprehensive School Safety Plan developed pursuant to Education Code § 32281 and the general Injury and Illness Prevention Program (IIPP) required by 8 CCR § 3203. This WVPP is in effect at all times in all work areas.

The WVPP shall be available to employees and authorized employee representatives at all times.

RCOE shall provide all safeguards required by law and regulation, including provision of personal protective equipment and training at no cost to the employee, at a reasonable time and place for the employee, and during the employee's paid time.

The primary objective of the WVPP is to prevent and/or eliminate workplace violence as follows:

- Establish and maintain an effective WVPP.
- Provide a safe working environment.
- Establish policies, training and communications to improve workplace violence prevention.
- Provide written records of workplace violence incidents and investigations, in accordance with the Plan.

ORGANIZING THE WORKPLACE VIOLENCE PREVENTION PLAN

Before new legislation was passed requiring the creation of the WVPP, many of the elements of the plan were already in place in current policies and procedures that addressed workplace incidents outlined in the four types of workplace violence.

In addition, RCOE owned facilities, including those leased by RCOE for educational and administrative activities, have been improved to provide a safe environment for students, employees, and guests.

As concerns have arisen regarding facility safety and/or the conduct of employees, students, or visitors, these concerns have been addressed through various policies or mechanisms, such as the civility policy and the Safety Committee.

Organizing the WVPP allows RCOE to bring these policies and mechanisms together in one plan to help prevent workplace violence and increase safety in our properties and facilities where RCOE activities take place.

The expectation is that the WVPP will evolve and mature over time based on need. The plan will be updated at least annually or more frequently as needed.

RESPONSIBILITIES OF MANAGEMENT

Directors, managers, and supervisors are responsible for ensuring compliance with the provisions of the WVPP and related policies and shall immediately take appropriate steps to diffuse incidents of workplace violence. Directors, managers, and supervisors shall adhere to Incident Reporting Procedures for all incidents including:

- Call 911 if there is an emergency, physical conflict, risk of imminent danger, or if someone has been seriously injured.
- Report all threats or acts of workplace violence to Personnel Services and Risk Management.
- If an employee has been injured as a result of a workplace violence incident, the director, manager, or supervisor must (1) have the employee contact Company Nurse hotline at (877) 518-6702 to report the injury, and (2) submit a completed Workplace Violence Incident Report form to Risk Management.
- If an incident has occurred, as soon as possible, if requested by Risk Management or Personnel Services, complete a written statement and have involved employees do the same. Submit this documentation to Risk Management or Personnel Services depending on the original requestor.
- Directors, managers, and supervisors may also offer or refer affected employees to critical incident or professional counseling through the Employee Assistance Program (EAP). EAP provides employees with free, easily accessible, and confidential resources for addressing personal concerns to all employees 24 hours a day, 7 days a week and the contact number is (800) 266-0510.

The WVPP Administrators, Dana Ruvalcaba, Director I, Benefits and Risk Management Services and Rhonda Nodal, Administrator, Risk Management have the authority and responsibility for implementing the provisions of this Plan for RCOE.

RESPONSIBILITIES OF EMPLOYEES

RCOE employees are expected to act professionally, courteously, and responsibly at all times, which ensures compliance with the State of California's rules of conduct (Government Code Section 19572) and to report incidents.

It is the responsibility of each employee to immediately adhere to the incident reporting procedures for all acts of workplace violence without fear of reprisal. All reports will be taken seriously and investigated by Personnel Services and/or Risk Management. The initial verbal report shall be followed up with written documentation using the Workplace Violence Incident Report form.

Unlawful retaliation under Government Code section 19572, subdivision (x) occurs when an employee unlawfully retaliates against another employee who reports information to an appropriate authority concerning an actual or suspected violation of any law occurring on the job.

CONTACTS

Employees can report incidents, threats, hazards, and concerns of workplace violence to:

Risk Management

Dana Ruvalcaba

Director, Benefits and Risk Management Services

Office: (951) 826-6443

Email: druvalcaba@rcoe.us

Rhonda Nodal

Administrator, Risk Management

Office: (951) 826-6420

Email: rknodal@rcoe.us

Personnel Services

Dion Clark

Executive Director, Personnel Services

Office: (951) 826-6653

Email: dlclark@rcoe.us

HINTS TO HANDLE A POTENTIAL OR ACTUAL VIOLENT INCIDENT: KNOW THE WARNING SIGNS

Research into incidents of workplace violence shows the presence of at least several of the following characteristics in a potentially violent individual. Clearly, not everyone who exhibits one or more of these warning signs is potentially violent. Understanding these signs, recognizing them when they occur, and acting on that knowledge and recognition are vital steps in heading off tragedy:

- Making direct or indirect threats.
- Intimidating, belligerent, harassing, bullying, or other inappropriate or aggressive behavior.
- Statements showing fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides.
- Statements indicating desperation (over family, financial, and other personal problems) to the point of suicide.
- Extreme changes in behavior.
- Numerous conflicts with supervisors and other employees.
- Bringing a weapon to the workplace, brandishing a weapon in the workplace, making inappropriate references to guns, or fascination with weapons.

WORKPLACE VIOLENCE RESPONSIBILITIES

Before and when workplace violence occurs, it is imperative that everyone work together to address the incident, report the incident, and then find solutions to mitigate the re-occurrence of such incidents in the future.

All employees should recognize and report a potentially threatening situation. Before a potential or actual violent incident occurs, directors, managers, and supervisors shall:

- Foster a supportive, harmonious work environment. Mutual respect can help reduce harassment and hostility in the workplace.
- Communicate openly and give employees support and recognition.
- Train directors, managers, supervisors, and employees on how to resolve conflicts.
- Develop skills in effective communication, team building and resolving disputes.
- When appropriate refer employees to the Employee Assistance Program (EAP) program for counseling or other assistance.

SHOULD A POTENTIAL OR VIOLENT INCIDENT OCCUR

DO:

- Your best to stay calm.
- Speak to the other person quietly and calmly.
- Try to put some space between yourself and the other person.
- Call 911 if there is immediate danger or someone is injured; and
- Notify your director, manager, or supervisor when it is safe to do so.

DON'T:

- Escalate the situation.
- Try to shut down the other person or make any aggressive moves toward them.
- Argue with the other person.
- Use defensive sprays or weapons.
- Fight with the other person.
- Chase the other person.
- Try to break up or intervene in a violent act; or
- Risk getting hurt yourself.

EMPLOYEE ACTIVE INVOLVEMENT

RCOE ensures the following policies and procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the plan:

Management will work with and allow employees and authorized employee representatives to participate in:

- Identifying, evaluating, and suggesting corrective measures to prevent workplace violence.
 - RCOE will utilize Safety Committee meetings held three times annually to discuss corrective measures. These meetings could involve brainstorming sessions, discussions of recent incidents, and reviews of safety procedures. Between these meetings, Risk Management in coordination with Operational Support Services will continue to receive ongoing suggestions from employees regarding improvements to safety and safety policies and procedures.
- Implementing training.
 - Training will be based on regulatory requirements and will complement other annual mandatory training already utilized by RCOE.
- Reporting and investigating workplace violence incidents.

Management will ensure that all workplace violence policies and procedures within this written plan are clearly communicated and understood by all employees. Managers and supervisors will encourage employees to report incidents of workplace violence thus assisting in maintaining a safe work environment.

EMPLOYEE ACCESS TO RECORDS

The following records shall be made available to employees and their representatives, upon written request and without cost, for examination and copying within 15 calendar days of a request:

- Records of workplace violence hazard identification, evaluation, and correction.
- Training records.
- Violent incident logs.

REVIEW AND REVISION OF THE WORKPLACE VIOLENCE PREVENTION PLAN

Review and revision of the WVPP will include the procedures listed in the Employee Active Involvement section of this WVPP, as well as the following procedures to obtain the active involvement of employees and authorized employee representatives in reviewing the plan's effectiveness should include, but is not limited to:

- Review at least annually or as needed.
- After a workplace violence incident.
- Review that violence risks are being properly identified, evaluated, and corrected. Any necessary revisions are made promptly and communicated to all employees.

EMPLOYEE COMPLIANCE

RCOE's system to ensure that employees comply with the rules and work practices that are designed to make the workplace more secure, and do not engage in threats or physical actions which create a security hazard for others in the workplace, include the following:

- Training employees, supervisors, and managers on the provisions of RCOE's WVPP.
- Providing procedures to ensure that supervisory and nonsupervisory employees comply with the WVPP.
- Retraining of employees whose safety performance is deficient with the WVPP.
- Recognizing employees who demonstrate safe work practices that promote the WVPP.
- Holding employees accountable for failure to comply with the WVPP using current RCOE discipline practices.

COMMUNICATION WITH EMPLOYEES

We recognize that open, two-way communication between our management team and all employees about workplace violence issues is essential to a safe and productive workplace. The following communication system is designed to facilitate a continuous flow of workplace violence prevention information between management and employees in a form that is readily understandable by all employees, and consists of one or more of the following:

- New employee orientation includes workplace violence prevention policies and procedures.
- Workplace violence prevention training programs.
- Regularly scheduled meetings that address security issues and potential workplace violence hazards (such as the Safety Committee).
- Effective communication between employees and supervisors about workplace violence prevention and violence concerns.
- Posted or distributed workplace violence prevention information.
- How employees can report a violent incident, threat, or other workplace violence concern to employer or law enforcement without fear of reprisal or adverse action.
- Employees will not be prevented from accessing their mobile or other communication devices to seek emergency assistance, assess the safety of a situation, or communicate with a person to verify their safety.
- Employees' concerns will be investigated in a timely manner.

WEAPONS PROHIBITED

In accordance with RCOE's Board Policy 4158, RCOE employees are prohibited from possessing a firearm or dangerous weapon in a building or other structure, or on a work site or workspace serving as a workstation for employees of RCOE. This policy applies to all RCOE owned buildings or leased spaces, garages, and parking facilities.

Pursuant to Penal Code 171b, it is a crime to possess and/or bring certain knives or restricted weapons into a local or state public building and/or meetings that are open to the public.

- Any firearm.
- Any deadly weapon described.
- Any knife with a blade length more than four inches, the blade of which is fixed or is capable of being fixed in an unguarded position by the use of one or two hands.
- Any unauthorized tear gas weapon.
- Any taser or stun gun, as defined in Section 244.5.
- Any instrument that expels a metallic projectile, such as a BB or pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot marker gun or paint gun.

If it is found that a person is in violation of this policy, management should notify Personnel Services and Risk Management.

WORKPLACE VIOLENCE INCIDENT REPORTING PROCEDURE

To help prevent workplace violence, RCOE will implement the following procedures:

- All threats or acts of workplace violence are reported to an employee's supervisor or manager, Personnel Services and Risk Management.
- All employees have access to complete the WVPP Incident Report form. RCOE will provide an electronic reporting system for the Workplace Violence Incident Report form to allow for easy access and availability.
- A strict non-retaliation policy is in place.

EMERGENCY RESPONSE PROCEDURES

RCOE has in place the following specific measures to handle actual or potential workplace violence emergencies:

- All buildings have fire alarm systems.
- RCOE phone systems can be used as an emergency notification system.
- RCOE has and maintains evacuation or sheltering plans for RCOE owned or leased properties.

In case of immediate danger, employees should call 911 and then Risk Management. Additionally, most locations have two-way radios available to report emergencies through Operational Support Services.

WORKPLACE VIOLENCE HAZARD IDENTIFICATION AND EVALUATION

The following policies and procedures are established and required to be conducted by RCOE to ensure that workplace violence hazards are identified and evaluated:

- As part of its organizational responsibility, RCOE evaluates properties and buildings, over which it has plant oversight, on a regular basis during regular Operational Support Services activities. This includes maintenance of building access controls such as alarms, keys, and badges.
- All submitted/reported concerns of potential infrastructure hazards reported in the WVPP form will additionally be routed to Operational Support Services for evaluation.
- Additionally, all staff will have the availability to report potential hazards through the WVPP form.

WORKPLACE VIOLENCE HAZARD CORRECTION

RCOE will implement the following procedures to correct workplace violence hazards that are identified:

- Workplace violence hazards will be evaluated in a timely manner.
- All corrective actions taken will be documented and dated on the appropriate forms.
- Corrective measures for workplace violence hazards will be specific to a given incident area.

To help prevent workplace violence hazards, some strategies RCOE may utilize include:

- Surveillance measures, such as cameras and mirrors, to provide information as to what is going on outside and inside the workplace and to dissuade criminal activity.
- Access barriers, such as door locks, laminated windows, physical barriers, emergency alarms and restraint systems.
- Ensuring employees have access to a telephone with an outside line.
- Providing optional employee, supervisor, and management training on emergency action procedures.
- Providing all employees with escape route information.

PROCEDURES FOR POST INCIDENT RESPONSE AND INVESTIGATION

After a workplace incident, Personnel Services and/or Risk Management, or their designee, will implement the following post-incident procedures:

- Visit the scene of an incident as soon as safe and practicable.
- Interview involved parties, such as employees, witnesses, law enforcement, and/or security personnel.
- Review security footage of existing security cameras, if applicable.
- Examine the workplace for security risk factors associated with the incident, including any previous reports of inappropriate behavior by the perpetrator.
- Determine the cause of the incident.
- Take corrective action to prevent similar incidents from occurring when possible.
- Obtain any reports completed by law enforcement.
- Ensure the proper completion of WVPP Incident Report form.
- Provide EAP information to all affected employees.

TRAINING AND INSTRUCTION

All employees will have training and instruction on the WVPP which will be provided when the WVPP has been established, and annual thereafter.

The training will include but not be limited to:

- How to report workplace violence incidents or concerns to the employer or law enforcement without fear of reprisal.
- Workplace violence and the types of workplace violence found in the “Definition” section of this plan.
- The employer’s WVPP, how to obtain a copy of the employer’s plan at no cost, and how to participate in development and implementation of the employer’s plan.
- How to complete the Workplace Violence Incident Report form.
- The violent incident log and how to obtain copies of records pertaining to hazard identification, evaluation and correction, training records, and violent incident logs.
- Where to obtain additional information about the plan.

EMPLOYEE ACCESS TO THE WRITTEN WORKPLACE VIOLENCE PREVENTION PLAN

RCOE will ensure that the WVPP plan shall be available and easily accessible to employees, authorized employee representatives, and representatives of Cal/OSHA at all times. This will be accomplished by posting the WVPP on the RCOE website in appropriate places and providing the access link to new employees.

If an employee or designated representative requests a copy of the written WVPP, RCOE will provide the requester with a printed copy of the WVPP, unless the employee agrees to receive an electronic copy.

EMPLOYEE ACCESS TO RECORDS

The following records shall be made available to employees and their representatives, upon written request and without cost, for examination and copying within 15 calendar days of a request:

- Records of workplace violence hazard identification, evaluation, and correction.
- Training records.
- Violent Incident logs.

RECORDKEEPING

RCOE will:

- Create and maintain records of workplace violence hazard identification, evaluation, and correction, for a minimum of five (5) years.
- Create and maintain training records for a minimum of one (1) year and include a description of training available and the names and job titles of all persons completing training sessions.
- Maintain violent incident logs for a minimum of five (5) years.
- Maintain records of workplace violence incident investigations for a minimum of five (5) years.

The records shall not contain medical information per subdivision (j) of section 56.05 of the Civil Code.

All records of workplace violence hazard identification, evaluation, and correction; training, incident logs and workplace violence incident investigations required by Labor Code Section 6401.9(f), shall be made available to Cal/OSHA upon request for examination and copying.

MAINTENANCE OF THE WORKPLACE VIOLENCE PREVENTION PLAN

Risk Management shall establish and maintain the WVPP to address workplace violence issues, to assist in managing workplace violence prevention, and to provide resources to affected employees of RCOE who are or may be experiencing workplace violence.

K-12 EDUCATION SETTINGS AND DISABLED STUDENTS

In the K-12 school context, workplace violence scenarios involving disabled students or students suspected of being disabled require necessary consideration of additional laws and intra-school district coordination with responsible departments (e.g. Student Services, Special Education, Educational Services, etc.). Laws that must be considered include those concerning special education, Section 504 of the Rehabilitation Act of 19732 (“Section 504”) and the Americans with Disabilities Act.

Students that are alleged to have engaged in workplace violence related to school attendance, regardless of disability status, will frequently be subject to disciplinary proceedings, including and up to expulsion. In addition to RCOE’s Board Policies and Administrative Regulations addressing

student discipline, Education Code § 48900-48927 will need to be consulted with the appropriate district personnel and, if need be, legal counsel.

Students currently identified as disabled, or suspected of being disabled under special education laws and/or Section 504 laws, and subject to removal from school or school activities for violations of codes of conduct such as those found in the Education Code, and that are considered a “change of placement” (*e.g., more than 10 days of suspension in a school year, disciplinary transfers to different schools or settings, expulsion, etc.*) are likely entitled to additional legal protection in the form of manifestation determination meetings that potentially can halt continued school removal absent narrow exceptions that allow removals of no more than 45 school days in accordance with narrowly tailored parameters. In addition to manifestation determinations connected to students with individualized education programs (IEP) or those that should have an IEP but do not, the law also favors manifestation determinations for Section 504 eligible students that are subject to a “significant change of placement” arising out school related misconduct.

Additionally, IEP eligible students involved in behavioral emergencies, defined as “unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the individual with exceptional needs, or others, and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior” will be entitled under California law to additional considerations, including but not limited to, the potential right to an IEP meeting within two days of the behavior emergency in qualifying scenarios.

RETALIATION

It is a violation of RCOE’s policy for any employee to retaliate, in any form, against another employee who reports, threatens to report, or files a report of a complaint of violence in the workplace or participates in an investigation alleging violence in the workplace. If you believe someone has retaliated against you for engaging in such conduct, please notify Dion Clark, Executive Director of Personnel Services immediately.

RESOURCES

Laws and Regulations:

CA Code of Civil Procedure, 527.8 Workplace violence and threats; Right of employer to seek temporary restraining order and order after hearing; Service, notice and hearing; Possession of firearm by person subject to protective order [Effective until January 1, 2024], Cal Code Civ Proc § 527.8.

Labor Code 6300, 230, 230.1, Domestic Violence Victims' Rights California Labor Code sections 230 and 230.1 provide certain rights to employees who are victims of domestic violence, sexual assault, or stalking, including the right to take time off from work relating to such issues and the right to reasonable accommodations upon request.

Penal Code 71 California Penal Code § 71 PC makes it a crime to threaten to inflict bodily injury or property damage upon public officers, public employees, or school officials or employees. Violating PC 71 can be prosecuted as a felony or a misdemeanor carrying incarceration and/or up to \$10,000 in fines.

Penal Code 171(b) Penal Code 171b prohibits carrying weapons such as dirks, daggers, and certain prohibited knives in public buildings.

Title 29, 654(a)(1) Each employer (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;(2) shall comply with occupational safety and health standards promulgated under this chapter.

DEFINITIONS

Emergency: unanticipated circumstances that can be life threatening or pose a risk of significant injuries to employees or other persons.

Log: the violent incident log required by this Plan.

Safety Committee: The RCOE Safety Committee is a group comprised of management and employee organization representatives that meets no less than three times annually to discuss issues pertaining to training for all RCOE employees and safety at all RCOE properties.

Threat of Violence: any verbal or written statement, including, but not limited to, texts, electronic messages, social media messages, or other online posts, or any behavioral or physical conduct, that conveys an intent, or that is reasonably perceived to convey an intent, to cause physical harm or to place someone in fear of physical harm, and that serves no legitimate purpose.

Workplace Violence: any act of violence or threat of violence that occurs in a place of employment, including, but not limited to, the following: (i) the threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury; (ii) an incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury; and (iii) the following four workplace violence types:

- **Type 1 Violence:** workplace violence committed by a person who has no legitimate business at the worksite, including violent acts by anyone who enters the workplace or approaches employees with the intent to commit a crime.
- **Type 2 Violence:** workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.
- **Type 3 Violence:** workplace violence against an employee by a present or former employee, supervisor, or manager.
- **Type 4 Violence:** workplace violence committed in the workplace by a person who does not work there but has or is known to have had a personal relationship with an employee.

Workplace violence does not include lawful acts of self-defense or defense of others.

Work Practice Controls: procedures and rules which are used to effectively reduce workplace violence hazards.

Workplace: Anywhere a RCOE employee is conducting authorized RCOE business; in route to and from (excluding normal commute) a location where RCOE business is, will be, or has been conducted; all RCOE-owned buildings or leased spaces, classrooms, and parking facilities, including space within buildings shared with other departments, districts, or agencies; any work site or workspace occupied by RCOE employees, whether or not the space is owned or leased by RCOE.