



## Section: 30-00, EQUAL EMPLOYMENT COMPLIANCE

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### **A. Purpose and Scope**

It is the intent of the City of Memphis Government to provide a workplace for its employees, vendors, visitors and customers that is free from violence by establishing preventative measures, holding perpetrators of violence accountable and by providing assistance and support to victims. Committing violent acts, whether on-duty or off-duty, has the potential to impact an employee's ability to perform their job. In implementing this policy, the City is guided by the Federal Occupational Safety and Health Act of 1970 that requires employers to provide their employees with a safe and healthy work environment. It is intended that all useful management tools be employed to accomplish the dual purpose of reducing the effects of violence on victims and providing consequences to those who perpetrate violence. It is also intended that management utilize available resources such as an Employee Assistance Program (EAP), law enforcement, and applicable personnel policies and procedures.

#### **1. Definitions:**

- a. Workplace Violence includes, but is not limited to, intimidations, bullying, stalking, threats, physical attack, domestic violence or property damage and includes acts of violence committed by City employees, clients, customers, relatives, acquaintances or strangers against a fellow employee, member of management, customer, vendor or visitor to the City's premise.
- b. Intimidation is engaging in actions that includes but is not limited to behavior intended to frighten, coerce or induce duress.



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- c. Bullying is unwanted offensive and malicious behavior which undermines an individual or group through persistently negative attacks.
- d. Stalking involves harassing or pestering an individual, in person, in writing, by telephone or electronic format.
- e. Threat is the expression of intent to cause physical or mental harm.
- f. Physical Attack is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.
- g. Domestic Violence is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship.
- h. Property Damage is intentional damage to property and includes property owned by the City, employees, visitors, vendors or contractors.

### **2. Coverage:**

- a. This policy applies to all regular, part-time, appointed and grant-funded employees (including those in their probationary period), as well as elected officials, volunteers and interns of the City of Memphis Government.
- b. This policy applies to the conduct of an employee while functioning in the course and scope of employment as well as off-duty violent conduct that has a potential adverse impact on a City employee's ability to perform the assigned duties and responsibilities.



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### **3. Prohibited Actions and Sanctions:** *It is a violation of this policy to:*

- a. Engage in workplace violence as defined herein;
- b. Use, possess or threaten to use an unauthorized weapon during a time covered by this policy, and
- c. Misuse authority vested to an employee of the City of Memphis Government in such a way that it violates this policy.

A violation of this policy shall be considered unacceptable employee conduct as stated herein. Acts of violence, as defined herein, may be grounds for disciplinary action, up to and including termination.

An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including termination. In these situations, the division must demonstrate that the disciplinary action, suspension or termination is supported by the existence of a rational nexus between the type of violent conduct committed and the potential adverse impact on a City employee's ability to perform the assigned duties and responsibilities.

**Advisory Note:** When a threat has been reported or management determines that a potential for violence exist, management may require an employee to undergo an assessment to determine risk of danger. EAP can assist by facilitating a referral to an appropriate resource for this assessment.

### **4. Authorized Exceptions to Policy:** An employee may possess a weapon if possession is:

- a. In compliance with Tennessee/Federal law; and
- b. Authorized by the agency/Division Director or his/her designee.
- c. Used by an employee who is a certified law enforcement officer.
- d. Required as a part of the employee's job duties with the City of Memphis Government, or



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e. Connected with training received by the employee in order to perform the responsibilities of their job with the City of Memphis Government.

**5. Support and Protections:** The City shall make efforts to protect victims of workplace violence by offering all available security measures. The City shall work closely with victims to ensure that both the needs of the victims and the City are addressed.

**6. Retaliation:** This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

**7. Reporting Responsibilities:** All employees are encouraged to be alert of the possibility of violence on the part of employees, former employees, customers and strangers. Employees shall place safety as their highest concern and shall report all acts of violence and threats of violence. All reports of violence will be handled in a confidential manner, with information, released only on a need-to know basis. Management shall be sensitive and responsive to the reporting employee's fear of reprisal.

**8. Reporting Procedures:**

a. Any employee who receives or witnesses such acts of violence, conduct, behavior, or communication must immediately contact his/her supervisor or Division Director or designee.

b. Any supervisor who receives a complaint of violence, threat, or harassment or who has reason to suspect that such acts are occurring must notify his/her Division Director or designee and the Director of Human Resources or designee.

c. Upon being informed of an allegation of violence, threat, or harassment, the Director of Human Resources or designee will direct that an appropriate investigation be immediately conducted and, when necessary, notify the appropriate authorities (police, legal, etc.)



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d. Upon the conclusion of the investigation, the affected Division Director or designee will notify the employee of the outcome of the investigation and advise the employee of any corrective or preventative action taken. The Division Director will take appropriate disciplinary action in accordance with this policy. Disciplinary actions taken as a result of violation of this policy are administrative actions and do not preclude criminal or civil action from also being taken against an employee who violates this policy, if the facts support such actions.

### **9. Responsibilities:**

It is the responsibility of each Division Director of City of Memphis Government to make their employees aware of the City's VIOLENCE-IN-THE-WORKPLACE policy and to post this policy on all employee bulletin boards located within his/her Division.

It is the responsibility of each supervisor to ensure that all employees are allowed to work in an environment that is free from the threat of workplace violence.

It is the responsibility of each employee to ensure that his or her conduct is professional and to adhere to the guidelines in this policy.

The Workplace Violence Policy is administered through the Human Resources Division. The Division of Human Resources reserves the right to revise or eliminate this policy.

### **REFERENCES:**

Federal Occupational Safety and Health Act of 1970 (OSHA)  
Employee Assistance Program (EAP)