

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

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THREAT MANAGEMENT POLICY	Effective Date August 9, 2019		

1. PURPOSE

- 1.1. The City of San Diego has a *100% Response Policy* in regard to any *Threat* or *Bullying* in the workplace, either implied or direct. The City will not tolerate any *Threat* or *Bullying* toward anyone in the workplace at any time.
- 1.2. This policy provides guidelines regarding reporting and responding to a *Threat* or *Bullying* in the workplace. The guidelines clarify the roles and responsibilities of all parties involved.

2. SCOPE

- 2.1. This Administrative Regulation applies to all City employees, officers, elected officials, volunteers, interns, provisional employees, and contractors of the City.
- 2.2. All City employees, officers, elected officials, volunteers, interns, provisional employees, and contractors of the City with any knowledge of an alleged *Threat* or *Bullying* occurring during the performance of work on behalf of the City or impacting the productivity or safety of the workplace should immediately bring it to the attention of an appropriate supervisor, City management, or the Human Resources Department. Witnesses should immediately report any threatening conduct whether it is generally or specifically directed toward another.

3. DEFINITIONS

- 3.1. *100% Response Policy*: The City will investigate every report of an alleged *Threat* or *Bullying* in the workplace and will take appropriate action. The investigation may range from an evaluation by the supervisor or City management to a comprehensive fact-finding investigation in accordance with the City's Dimensions in Discipline Manual as noted in section 5.3. below.

The fact-finding may result either in no action or disciplinary action, up to and including termination. The level of discipline should be commensurate with the severity of the *Threat* or *Bullying*. Discipline may not be warranted in every case.

(Supersedes Administrative Regulation 97.10, Issue 4, effective July 1, 2015)

Authorized

Signature on File

CHIEF OPERATING OFFICER

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- 3.2. *Bullying (also known as Abusive Conduct)*: Conduct of a City employee, officer, elected official, volunteer, intern, provisional employee, or contractor in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to the City’s legitimate business interests.
- 3.2.1. For purposes of this Administrative Regulation, “malice” includes conduct that is intended to cause injury to another or is despicable and conducted with willful and conscious disregard for the rights or safety of others. A person acts with conscious disregard when the person is aware of the probable negative consequences of their conduct and deliberately fails to avoid those consequences.
- 3.2.2. *Bullying* can be oral, written (including electronic), or physical.
- 3.2.3. A good faith, non-discriminatory personnel action does not qualify as *Bullying* under this policy.
- 3.2.4. The following are some examples of conduct that may be considered *Bullying*, however, all circumstances surrounding an incident must be taken into consideration:
- a. Repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets.
 - b. Verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating.
 - c. Gratuitous sabotage or undermining of a person’s work performance.
- 3.2.5. A single act shall not constitute *Bullying*, unless especially severe and egregious.
- 3.3. *On-the-Spot Suspension*: The Appointing Authority may suspend an employee for the remainder of the work day where such action is deemed necessary in order to maintain safety or the reputation, morale, and harmony of the organization. (See Appendix, Civil Service Rule XI.)
- 3.4. *Paid Administrative Leave Pending Investigation*: A non-disciplinary course of action taken by the department to temporarily remove an employee from the workplace pending the investigation of allegations of the employee’s misconduct. (See Appendix, Quick Guide – Paid Administrative Leave Pending Investigation.)
- 3.5. *Threat*: A direct or implied expression of intent to inflict physical harm, intimidate, or induce fear, or an action that a reasonable person would reasonably perceive as a *Threat* to physical safety or property.

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- 3.5.1. A *Threat* may be oral, written (including electronic), or physical.
- 3.5.2. A good faith, non-discriminatory personnel action does not qualify as a *Threat* under this policy.
- 3.5.3. The following are some examples of conduct that may be considered a *Threat*, however, the totality of circumstances surrounding an incident must be taken into consideration when making a determination:
- a. A statement or action that threatens physical harm or alludes to an act of violence.
 - b. Threatening or intimidating conduct, such as showing or alluding to possession of a weapon, raising a fist, physically looming over a person, or making menacing facial expressions or a hand gesture alluding to violence.
 - c. An oral or written statement that describes an act that might inflict physical harm, intimidate, or induce fear.
 - d. A joke about a physical act of violence, regardless of the intended target(s) of the joke.
 - e. Harassing conduct such as:
 - i. Leaving a threatening message on home or work voicemail, e-mail, or on a social media website;
 - ii. Vandalizing property such as a car, home, or personal possession;
 - iii. Stalking, including repeated and unwanted contacts, letters, notes, phone calls, flowers, or gifts;
 - iv. Intentionally driving or passing by a home, workplace, or area frequented by a person;
 - v. Contacting co-workers, family, or friends to obtain personal information about a person or to threaten harm to the person;
 - vi. Entering a workspace to rearrange or remove a person's personal items.
- 3.6. *Threat Assessment Team*: Representatives from the Human Resources Department, Personnel Department, Risk Management Department, Police Department, and Office of the City Attorney are available to assist supervisors or City management in evaluating allegations of *Threat* or *Bullying* and help determine appropriate responsive action. Contact information for the *Threat Assessment Team* can be found on the Human Resources Department's home page in [Citynet](#).

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4. POLICY

- 4.1. City employees, officers, elected officials, volunteers, interns, provisional employees, and contractors shall not make a direct or implied *Threat* or engage in *Bullying* toward another in the workplace at any time.
- 4.2. City employees, officers, elected officials, volunteers, interns, provisional employees, and contractors shall not make a *Threat* or engage in *Bullying* that intimidates or induces fear in another, prevents work from being completed, or in any way interferes with the safety of the workplace.
- 4.3. All perceived *Threats* or *Bullying*, even those made in a joking manner, will be taken seriously and will be investigated.

5. PROCEDURE

- 5.1. If a City employee, officer, elected official, volunteer, intern, provisional employee, or contractor becomes aware of an alleged *Threat* or *Bullying*, the person SHALL IMMEDIATELY notify a City supervisor or other City management.
 - 5.1.1. A person may also directly report a *Threat* or *Bullying* to the Human Resources Department at (619) 236-6313.
- 5.2. Upon learning of an alleged *Threat* or *Bullying*, direct or implied, the supervisor or City management shall:
 - 5.2.1. Evaluate all known facts and circumstances surrounding the incident, including the tone of voice, body language, and behavior of the City employee, officer, elected official, volunteer, intern, provisional employee, or contractor who allegedly made the *Threat* or engaged in *Bullying*, and any history of prior incidents.
 - 5.2.2. Contact the Police Department as warranted. There are two different numbers to call depending upon the seriousness and immediacy of the *Threat*. (See Appendix, Quick Guide – Supervisor Request for Employee Welfare Check.)
 - a. Call 911 for emergency assistance (example: an individual is afraid for their immediate safety or the safety of others); or
 - b. Call (619) 531-2000 for non-emergency assistance (example: employee is concerned about the well-being of a customer or co-worker).
 - 5.2.3. Contact the Human Resources Department or any member of the *Threat Assessment Team* to discuss and evaluate the incident and help determine

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appropriate responsive action.

- 5.2.4. Immediately inform the person who was allegedly subject to the *Threat* or *Bullying* that *Threats* or *Bullying* in the workplace will not be tolerated, that an investigation will take place, and that the person will be notified of the results of the investigation. Specific disciplinary action shall not be disclosed. Inform the person of the services available from the City's Employee Assistance Program.
- 5.2.5. Evaluate the need to immediately and temporarily remove from the workplace the person who allegedly made the *Threat* or engaged in the *Bullying*, **OR** evaluate potentially relocating the person who allegedly made the *Threat* or engaged in the *Bullying*, or the person who was allegedly subject to it if requested by this person, to a different worksite until the completion of the investigation.
- 5.2.6. *On-the-Spot Suspension*: If appropriate and approved by the Appointing Authority, provide notice to the person who allegedly made the *Threat* or engaged in *Bullying* that the person is suspended or on Administrative Leave for the remainder of the work day.
- 5.2.7 *Paid Administrative Leave Pending Investigation*: For the purpose of temporarily removing an employee from the workplace for a period not to exceed 30 calendar days when immediate, temporary removal of the employee from the workplace is (1) in the best interests of the City and (2) necessary to maintain the wellbeing, safety, security, or protection of any City employee or citizen, City property, or City resources, or otherwise required by federal or state law. (See Appendix, Quick Guide – Paid Administrative Leave Pending Investigation.)
 - a. For Mayoral Departments, the Department Director must receive approval from the Human Resources Director, who will evaluate whether the conditions for *Paid Administrative Leave Pending Investigation* for a period not to exceed 30 calendar days for employees are met. The Human Resources Department Director, in consultation with the Mayoral Department Director, must evaluate known facts and make a factual, written determination. Independent Appointing Authorities do not need approval from the Human Resources Director, but must make a factual, written determination supported by known facts that the conditions of *Paid Administrative Leave Pending Investigation* are met, and they must notify the Chief Financial Officer in writing that this determination has been made.
 - b. If the Mayoral Department Director or Independent Appointing Authority identifies there is a need to extend the *Paid Administrative Leave Pending Investigation* for more than 30 calendar days for any employee because the

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conditions supporting the need for *Paid Administrative Leave Pending Investigation* are ongoing, the Human Resources Department Director or Independent Appointing Authority must obtain authorization from the Chief Financial Officer, who must consult with the City Attorney or designee. The Chief Financial Officer, or designee, must determine and document in writing that the request to extend the *Paid Administrative Leave Pending Investigation* by an additional 30-calendar day period meets the requirements set forth above. The Chief Financial Officer, or designee, may extend the leave by up to a maximum of four 30-calendar day periods. There must be a separate written determination by the Chief Financial Officer, or designee, for each extension.

- c. The authorization of *Paid Administrative Leave Pending Investigation* does not create a right of any employee to any paid administrative leave.
- d. The Mayoral Appointing Authority or designee should contact the Human Resources Department at (619) 236-6313 before allowing a person to return to work following a temporary removal from the workplace.
- e. The Appointing Authority or designee should notify the employee of the date when the *Paid Administrative Leave Pending Investigation* will end.

5.3. Fact-Finding Investigation

5.3.1. If a fact-finding investigation is determined by City management to be needed, Departments must conduct a comprehensive fact-finding investigation regarding the alleged *Threat* or *Bullying*. (See Dimensions in Discipline Manual, Fact-Finding Section.)

- a. Investigations should cover the five “Ws”: Who, What, When, Where, and Why. For example:
 - i. Who allegedly made the *Threat* or committed the *Bullying* and who else was present?
 - ii. What was the alleged *Threat* or *Bullying* and what exactly happened?
 - iii. When did the incident(s) happen?
 - iv. Where did the incident(s) occur?
 - v. Why did the incident(s) occur?
- b. The documentation during an investigation should be kept factual, without editorial comments.

5.3.2. After completion of a fact-finding investigation, if warranted, an appropriate level

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of disciplinary action, or other measure(s) to prevent a further incident, should be administered consistent with the Dimensions in Discipline Manual. Information relating to any resulting employee discipline shall be kept confidential, except in accordance with law or City policy.

- 5.3.3. Questions relating to this Administrative Regulation should be directed to your Human Resources Department liaison.

Note: For specific information regarding Domestic Violence, please contact the City Attorney's Child Abuse and Domestic Violence Unit at (619) 533-6095.

- 5.4. In the event an employee obtains a restraining order against another person and the restraining order precludes contact at the workplace, the employee is strongly encouraged to report this information to their supervisor, and provide a copy of the restraining order to department management, to ensure a safe workplace for both the employee and his or her co-workers.

- 5.4.1. A description or photograph of the individual to whom the restraining order applies should be provided to department management. If such information is provided, department management shall inform the Human Resources Department at (619) 236-6313, who may seek the assistance of the Police Department or other appropriate resources.

- 5.4.2. If the individual restricted from the workplace arrives unexpectedly at the workplace, persons knowledgeable of the restraining order shall notify their supervisor or department or division management, and call the Police Department for assistance, if necessary, at (619) 531-2000 for a non-emergency, or 911 in case of an emergency.

- 5.4.3. If the individuals involved in the restraining order both work at the same location, contact the City Attorney's Office or the Human Resources Department.

6. RESPONSIBILITY

- 6.1. All City Employees, Officers, Elected Officials, Volunteers, Interns, Provisional Employees, and Contractors

- 6.1.1. Conduct that is or could be perceived as a *Threat* or *Bullying* shall be reported and taken seriously.

- 6.1.2. Persons who become aware of conduct that is or could be perceived as a *Threat* or *Bullying* shall promptly notify an appropriate City supervisor, City management, or the Human Resources Department.

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6.2. Supervisor or City Management

6.2.1. When an employee informs a City supervisor or other City management of difficulties related to work, their relationships with co-workers, supervisors, managers, family members, domestic partners, or other personal relationships, or members of the public, the supervisor or City management should refer the person to the City's Employee Assistance Program.

6.2.2. Supervisors and City management shall make the appropriate Appointing Authority aware of any report of a *Threat* or *Bullying* in the department.

6.3. Department Appointing Authority or Designee

6.3.1. The Appointing Authority or designee shall meet with the person who was allegedly subject to a *Threat* or *Bullying*. The City's Employee Assistance Program personnel will also be available to meet with impacted persons, as needed.

6.3.2. The Appointing Authority or designee shall decide whether an *On-the-Spot Suspension* to remove the person, who allegedly made the *Threat* or *Bullying*, from the workplace for the remainder of the day is warranted.

6.3.3. The Mayoral Appointing Authority or designee shall also contact the Human Resources Department if a *Paid Administrative Leave Pending Investigation* to temporarily remove the person from the workplace while the investigation is in progress is needed.

6.3.4. The Appointing Authority or designee shall ensure a fact-finding investigation is conducted as expeditiously as possible.

a. The Appointing Authority or designee shall arrange for a fact-finding panel.

b. If a person has been temporarily removed from the workplace pending an investigation, the Mayoral Appointing Authority or designee must contact Human Resources Department as soon as possible if the investigation will not be completed within 30 calendar days.

6.3.5. If a person has been temporarily removed from the workplace or moved to another work location due to the investigation of an alleged *Threat* or *Bullying* by that person, the Appointing Authority or designee should meet with all those impacted prior to the person being permitted to return to the worksite.

6.3.6. The Appointing Authority or designee shall provide notice of the results of the investigation to the person who was allegedly subject to the *Threat* or *Bullying*.

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6.3.7. The Appointing Authority or designee shall issue discipline, if appropriate, to the person who allegedly made the *Threat* or engaged in the *Bullying*. Information relating to employee discipline shall be kept confidential, except in accordance with law or City policy.

7. ADDITIONAL INFORMATION

- 7.1. Classified, represented employees and members of the Deputy City Attorneys Association may file a grievance if they believe there has been a violation of a City policy or their Memorandum of Understanding. (See Appendix, Employee Grievance Form.)
- 7.2. A person may submit a complaint to the City's Equal Employment Investigations Office if the person believes they have been subject to discrimination, harassment, or other unfair treatment in the workplace in violation of the City's Equal Employment Opportunity (EEO) Policy. (See Appendix, Internal Discrimination Complaint form.)

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APPENDIX

Legal References

[Civil Service Rule XI](#)

[Salary Ordinance, Paid Administrative Leave](#)

[Dimensions in Discipline Manual](#)

[Memoranda of Understanding \(MOUs\) with each of the recognized employee organizations](#)

Forms and Documents

[Employee Grievance Form](#)

[Internal Discrimination Complaint Form](#)

[Quick Guide - Paid Administrative Leave Pending Investigation](#)

[Quick Guide - Supervisor Request for Employee Welfare Check](#)

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