

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.10	Issue 4	Page 1 of 8
THREAT MANAGEMENT POLICY	Effective Date July 1, 2015		

1. PURPOSE

- 1.1. The City of San Diego has initiated a 100% response policy for any threat of violence or bullying, made in the workplace, either implied or direct. The City will not tolerate any threat of violence or bullying made toward anyone in the workplace at any time.
- 1.2. This policy provides guidelines for City employees on how to proceed in response to threats of violence or bullying in the workplace. The guidelines will clarify the roles and responsibilities of all parties involved in handling either situation.

2. SCOPE

- 2.1. This Administrative Regulation applies to all City employees, officers, elected officials, volunteers, and contractors of the City.
- 2.2. All employees with any knowledge of an alleged threat of violence or bullying that occurs while performing work on behalf of the City or impacts the productivity or safety of the workplace should immediately bring it to the attention of the appropriate supervisor. Witnesses should immediately report any threatening behavior whether it is generally or specifically directed toward others.

3. DEFINITIONS

- 3.1. *Threat* - a direct or implied expression of intent to inflict physical harm, intimidate or induce fear, and/or actions that a reasonable person would perceive as a threat to physical safety or property.
  - 3.1.1. A threat may be oral, written (including electronic), or physical.
  - 3.1.2. A good faith non-discriminatory personnel action does not qualify as a *Threat* under this policy.

(Supersedes Administrative Regulation 97.10, Issue 3, effective March 7, 2011)

Authorized

\_\_\_\_\_  
[Signature on File]  
CHIEF OPERATING OFFICER

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.10	Issue 4	Page 2 of 8
THREAT MANAGEMENT POLICY	Effective Date July 1, 2015		

3.1.3. The following are some examples of behaviors that may be considered a *Threat*. These examples by themselves do not constitute a violation of this policy. An investigation requires that all factors surrounding the incident be taken into consideration:

- a. An oral or written statement that describes an act that might inflict physical harm, intimidate or induce fear.
- b. Jokes about physical acts of violence, regardless of the intended target(s) of the joke.
- c. Threatening conduct, such as intimidating others, showing or alluding to possession of a weapon, raising a fist, looming over someone, or making menacing looks.
- d. A statement or action that threatens physical harm or alludes to other acts of violence.
- e. Acting out on a grudge against, or obsession over a co-worker, supervisor, or other person.
- f. Harassing an employee by:
  1. Leaving a threatening message on a home or work voice-mail, e-mail, or social media website;
  2. Violating a restraining order;
  3. Vandalizing property such as a car, home or personal possessions;
  4. Stalking, including, but not limited to: making repeated and unwanted contacts, letters, notes, flowers, gifts, repeated phone calls;
  5. Intentionally driving or passing by a home, workplace, or area frequented by an employee;
  6. Contacting co-workers, family or friends to obtain personal information about an employee or threatening harm to an employee;
  7. Entering a workspace to rearrange or remove personal items.

3.2. *Bullying (also known as Abusive Conduct)* - conduct of a City employee, officer, elected official, volunteer 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 Regulation, "malice" includes conduct which is intended to cause injury to others, or despicable conduct that reflects a willful and conscious disregard of the rights or safety of others.

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 behavior that may be considered *Bullying*.

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.10	Issue 4	Page 3 of 8
THREAT MANAGEMENT POLICY	Effective Date July 1, 2015		

These examples by themselves do not necessarily constitute a violation of this policy. An investigation requires that all factors surrounding the incident 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. 100% Response Policy - the City will investigate every report of an alleged *Threat* or *Bullying*, as defined in this policy, made in the workplace and will take necessary action. That action may range from informal counseling to disciplinary action, up to and including termination.

3.3.1. NOTE: The level of discipline should be commensurate with the level of the *Threat* or severity of the *Bullying*. Discipline may not be warranted in every case.

4. POLICY

- 4.1. City Employees, officers, elected officials, volunteers or contractors shall not make a direct or implied *Threat* of violence or exhibit *Bullying* toward others in the workplace at any time.
- 4.2. City Employees, officers, elected officials, volunteers or contractors shall not use a *Threat* or *Bullying* in an attempt to intimidate, prevent work from being completed, or in any way interfere with providing a safe 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 becomes aware of an alleged *Threat* or *Bullying* to self or others, the employee SHALL IMMEDIATELY notify his or her supervisor or division management.
  - 5.1.1. Employees may also directly report a *Threat* or *Bullying* to the Human Resources Department at (619) 236-6313.
- 5.2. In the event of an alleged direct or implied *Threat* or *Bullying*, the supervisor or division management shall:

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.10	Issue 4	Page 4 of 8
THREAT MANAGEMENT POLICY	Effective Date July 1, 2015		

- 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 or contractor who allegedly made the *Threat* or committed the *Bullying*, and any history of prior incidents, when determining what course of action should be taken.
- 5.2.2. Contact the Police Department, if the incident warrants it. There are two different numbers to call depending upon the seriousness and immediacy of the *Threat*.
  - a. Call 9-1-1 for emergency assistance (example: employee is afraid for their safety or the safety of others); or
  - b. Call (619) 531-2000 for non-emergency assistance (example: the employee may be concerned about the well-being of a customer or another co-worker).
- 5.2.3. Contact the Human Resources Department or any member of the Threat Assessment Team (see section 5.3.4.) to discuss and evaluate the incident and they will recommend appropriate action.
- 5.2.4. Immediately inform the employee who allegedly was threatened that *Threats* or *Bullying* in the workplace are not tolerated, that an investigation will take place and that the employee will be notified of the results of the investigation. Specific disciplinary action shall not be disclosed. Inform the employee of the services available from the Employee Assistance Program.
- 5.2.5. Evaluate the need for immediate suspension from the workplace of the employee who allegedly made the *Threat* or committed *Bullying* (Refer to Personnel Manual Section L-2, Discipline), **OR** evaluate relocating either the employee who allegedly made the *Threat* or committed the *Bullying*, or the alleged victim, to a different worksite until the investigation is completed.
- 5.2.6. Immediately inform the City employee, officer, elected official volunteer or contractor who allegedly made the *Threat* or committed the *Bullying*, that such conduct will not be tolerated and that a thorough investigation into the allegation will be conducted. Specific disciplinary action shall not be disclosed to the employee who made the complaint. Inform the employee of the services available from the Employee Assistance Program.
- 5.2.7. If appropriate and approved by the Appointing Authority, give notice to the employee who allegedly made the *Threat* or committed *Bullying* of a suspension for the remainder of the day.
- 5.2.8. For a thirty calendar day suspension pending investigation, the Appointing

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.10	Issue 4	Page 5 of 8
THREAT MANAGEMENT POLICY	Effective Date July 1, 2015		

Authority, or designee, must receive approval from the Human Resources Department (619) 236-6313 prior to issuing the Notice of Suspension Pending Investigation. This applies to all City employees, officers, and elected officials. Please contact your HR Department Liaison for assistance.

- a. Refer to Personnel Manual Section L-2, Discipline and Attachment B for a Notice of Suspension Pending Investigation template.
- b. Before an employee, officer, elected official, volunteer or contractor is permitted to return to work, Appointing Authorities should contact the Human Resources Department at (619) 236-6313.

5.3. Fact Finding/Investigation

- 5.3.1. Through regular fact-finding procedures, document what was said and what was heard when the alleged *Threat* or *Bullying* was made. Include the five “W’s”: Who, What, When, Where and Why.
  - a. Who allegedly made the *Threat* or committed the *Bullying* and who else was present?
  - b. What was the alleged *Threat* or *Bullying* and what exactly happened?
  - c. When did the incident happen?
  - d. Where did the incident occur?
  - e. Why was the alleged *Threat* or *Bullying* made?
- 5.3.2. Keep the documentation factual; do not provide editorial comments. (Refer to the appropriate Memorandum of Understanding for employee representation rights and the Fact Finding Section in the Dimensions in Discipline Manual.)
- 5.3.3. After the fact-finding has been completed, if warranted, recommend appropriate level of disciplinary action or other measures to prevent further incidents.
- 5.3.4. If you have questions regarding an alleged threat, you may contact a member of the Threat Assessment Team:

Human Resources Department	(619) 236-6313
Human Resource Director	(619) 602-3167
Human Resource Deputy Director	(619) 213-3316
City Attorney, Employment Unit	(619) 533-5800
Police Department, Assistant Chief	(619) 531-2740
Personnel Director	(619) 236-6155
Personnel Department, Assistant Director	(619) 236-7125
Risk Management, Deputy Director	(619) 533-6107

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.10	Issue 4	Page 6 of 8
THREAT MANAGEMENT POLICY	Effective Date July 1, 2015		

Employee Assistance Manager

(619) 236-6386

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

- 5.4. Information pertaining to employee discipline (if any) and information discussed during any appeal of discipline shall be kept confidential, except as required by law or if management or others have a bona fide need to know. However, it is appropriate to inform the employee who was allegedly threatened or subjected to bullying that the incident is being investigated and appropriate action will be taken.
- 5.5. In the event an employee obtains a restraining order against another person and the restraining order includes no contact at the workplace, the employee is strongly encouraged to report this information, 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.
  - 5.5.1. A description and/or photograph of the individual whom the restraining order is filed against 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.
  - 5.5.2. If an individual who has been restricted from the workplace arrives unexpectedly at the workplace, the employee who sees this person shall notify his or her supervisor, 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.

6. RESPONSIBILITY

- 6.1. All City Employees, Officers, Elected Officials, Volunteers and Contractors
  - 6.1.1. Comments or behavior that are, or could be, perceived as a *Threat* or *Bullying* shall be reported and taken seriously.
  - 6.1.2. Employees who become aware of such a comment or behavior shall promptly notify department management of the details of the incident.
- 6.2. Supervisor or City Management
  - 6.2.1. When any employee informs the department of difficulties related to work, relationships with co-workers, supervisors, managers, family members, domestic

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.10	Issue 4	Page 7 of 8
THREAT MANAGEMENT POLICY	Effective Date July 1, 2015		

partners or other personal relationships, or members of the public, the employee's supervisor or a City management representative should refer the affected employee(s) to the Employee Assistance Program.

6.3. Department Appointing Authority or Designee

6.3.1. The Appointing Authority or designee shall debrief any employee who was allegedly *Threatened* or subject to *Bullying*. Employee Assistance personnel will also be available to meet with impacted employees if necessary.

6.3.2. Ensure the fact finding is conducted as expeditiously as possible.

a. Arrange for fact finding panel.

b. If a suspension pending investigation is provided to an employee, the Appointing Authority or designee will ensure that the fact finding investigation and any resulting disciplinary action should be completed within 30 calendar days from the beginning of the suspension.

6.3.3. If an employee has been suspended or moved to another work location as a result of an alleged *Threat* or *Bullying*, the Appointing Authority or designees should also meet with those impacted prior to the employee being permitted to return to the worksite.

6.3.4. Provide notice to the subject employee of the results of the fact finding investigation and issue any discipline, if necessary.

7. ADDITIONAL INFORMATION

7.1. The City also offers the grievance process (for classified represented employees and members of the Deputy City Attorneys Association) and the Equal Employment Investigations Office if the difficulties are due to issues of harassment, discrimination, or other unfair treatment in the workplace.

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.10	Issue 4	Page 8 of 8
THREAT MANAGEMENT POLICY	Effective Date July 1, 2015		

APPENDIX

Legal References

City of San Diego Personnel Regulations, Section L-2 - "Discipline"  
Dimensions in Discipline, Fact Finding Section  
Memoranda of Understanding (MOUs) with each of the recognized employee organizations

Forms

Attachment A – Timeline For 30 Day Suspension Pending Investigation  
Attachment B – Notice of Suspension Pending Investigation Template

Subject Index

Threats  
Violence  
Bullying  
Abusive Conduct  
Notice of Suspension Pending Investigation

Administering Department

Human Resources Department



# ATTACHMENT A

## **TIMELINE FOR 30 DAY SUSPENSION PENDING INVESTIGATION**

Whenever it is necessary to immediately suspend an employee pending investigation because of a *Threat* or *Bullying*, the investigation and any resulting disciplinary action should be completed within 30 calendar days from the beginning of the suspension.

Since time is of the essence, the following timeline is recommended to ensure completion within the 30 calendar days.

Please refer to the following resources: Civil Service Rule XI, Personnel Manual Section L-2 (Discipline), and appropriate MOUs.

### **Day 1**

- Immediately provide a **Notice of Suspension Pending Investigation**. (See Attachment B)

### **Day 1-5**

- Arrange for fact finding panel and develop plan of action
- Employee to arrange for representation in response to allegations
- Notice all witnesses (See HR *Citynet* webpage for templates)

### **Day 6-20**

- Conduct investigation of the incident
- Fact finding panel complete fact finding report and provide to Appointing Authority
- Appointing Authority to determine appropriate level of discipline, if any, based on the information provided in fact finding report and prepare related documents

### **Day 21-30**

- Appointing Authority to provide notice to subject employee of the results of the investigation and discipline, if any.

### **Appeal Process**

- Refer to appropriate MOU

# ATTACHMENT B

CITY OF SAN DIEGO

MEMORANDUM

DATE:

TO: (Employee, Job Classification)

FROM: (Department Director or Designee)

SUBJECT: Notice of Suspension Pending Investigation

---

This is to notify you that effective immediately you are suspended with pay pending investigation according to the provisions outlined in the Personnel Manual, Section L-2, Section III, Paragraph E(1)(b). This suspension is necessary because your presence in the workplace would be disruptive and harmful to morale.

This suspension is based on the following:

*Provide a brief summary of the incident(s) or threat(s) that this suspension is based upon. Include dates, places, and other appropriate facts.*

This is a non-disciplinary removal from the workplace pending an investigation into charges of misconduct against you. As such, it cannot be appealed to the Civil Service Commission.

The investigation will be conducted as quickly as possible. If misconduct is proved, appropriate disciplinary action in accordance with the City's usual procedures, including any appeal rights, will be taken.

You will shortly be provided with a Notice of Fact Finding Interview – Subject, with a specific location, date and time for you to return for your fact finding interview. Since you are on a paid suspension pending investigation you are required to return to work as stated in the fact finding notice. If you do not attend the fact finding interview or refuse to attend due to personal reasons, unrelated to any disability or protected leave, you may be subject to discipline, up to and including termination.

---

Department Director or Designee

---

Date

## ATTACHMENT B

Notice of Suspension Pending Investigation  
Page 2

I have received a copy of this notice.

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

*If the employee refuses to sign, note this in the signature space above – “Employee Refused to Sign”.*

On \_\_\_\_\_, I witnessed the personal delivery of this Notice of Suspension Pending Investigation to the employee.

\_\_\_\_\_  
Witness

*Note: Usually, the notice will be hand delivered to the employee. If the notice is mailed to the employee, prepare two copies of the notice in a letter format and mail them to him or her. Mail one copy by certified mail, return receipt requested and staple the certification attached to the notice; mail the other copy by regular first-class mail. Note on the notice: Sent by U.S. and Certified Mail.*