

# **SB 553 WORKPLACE VIOLENCE PREVENTION PLAN**



## **PROCEDURES AND PROTOCOLS GUIDE**

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*Transforming lives through education*

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## **SENATE BILL NO. 553 CORTESE, OCCUPATIONAL SAFETY**

Workplace violence: restraining orders and workplace violence prevention plan.

Existing law authorizes any employer, whose employee has suffered unlawful violence or a credible threat of violence from any individual that can reasonably be construed to be carried out or to have been carried out at the workplace, to seek a temporary restraining order and an order after hearing on behalf of the employee and other employees at the workplace, as described.

### **WORKPLACE VIOLENCE PREVENTION PLAN**

It is the policy of the San Bernardino County Superintendent of Schools (SBCSS) to provide a safe and secure work environment that has no tolerance for harassment, intimidation, threats or acts of violence in the workplace. Any behavior that raises concerns for the safety of another person's life, health, well-being, family, or property, whether direct or indirect, constitutes unacceptable conduct.

San Bernardino County Superintendent of Schools shall take appropriate actions to enhance the safety, as fully as possible, of SBCSS employees and members of the organization from harassment, intimidation, threats, and acts of violence, which may occur at the workplace, and during the performance of everyday duties.

No tolerance means that every act of violence in the workplace, regardless of nature, must be reported through Laserfiche at <https://eforms.sbcss.net/Forms/Home/Tasks>. See Exhibit A

Acts of violence, threats of violence, theft, dishonesty, discrimination, retaliation, and sexual harassment should be considered urgent and will be taken seriously.

### **TYPES OF WORKPLACE VIOLENCE**

Workplace violence may take many forms, including but not limited to written threats by letter, fax, and electronic mail; social media; text messages or online posts; or verbal threats delivered in person or by telephone. Other forms of workplace violence include intimidation, harassment (including sexual harassment) mugging, robbery, or attempted robbery, as well as destruction of property. Extremely serious ones could be physical assault, bomb threats or mass/active shooter threats, rape and/or murder.

**Assault:** Physical or verbal attack on someone, which results in bodily or emotional injury, pain and/or distress. Assault may involve hitting, punching, poking, kicking and/or use of a weapon.

**Threat:** Any written or oral expression or gesture that could be interpreted by a reasonable person to convey an intent of physical harm to persons or property. There are **several types of threats** to be aware of:

- **Direct Threats** - Straightforward and explicit statements of the intent to commit harm.
- **Indirect Threats** - Vague, unclear, and ambiguous statements whereby the plan, the intended victim, the motivation, and other aspects of the threat are masked or equivocal.
- **Veiled Threats** - Indirect, vague, or subtle statements suggesting potential harm. This includes statements such as "He won't get away with this," "I'll get her or show her" or, "They'll see."
- **Conditional Threats** - Statements intending harm and specifying either conditions or demands to be met to stop the harm or conditions under which the threat will be carried out.
- **Implausible Threats** - Statements of intended harm that are unrealistic and impossible to carry out.
  - **Intimidating or Harassing Behavior** - Threats or other conduct which can lead to hostile work environments, impede operations, and/or inhibit and frighten others.
  - **Physical Intimidation or Harassment** - This may involve blocking movement, holding, grabbing, following, touching or any other inappropriate or unwanted physical contact.
  - **Psychological Intimidation or Harassment** - This may involve making malicious, rude, derogatory, disrespectful, insubordinate, disparaging, false, obnoxious, discriminatory, or abusive statements with the intent to hurt the reputation of others.

### **CONSIDER THE ACT OR THREAT OF VIOLENCE:**

If you consider the act or threat of violence as serious, immediately call 911, then call your director, manager, or supervisor Human Resources and Risk Management:

- **Joe Sanchez, Director of Risk Management Services**  
Office: (909) 386-9670  
Email: [joe.sanchez@sbcss.net](mailto:joe.sanchez@sbcss.net)
- **Daniel F. Marmolejo, Safety Compliance Manager**  
Office: (909) 388-5772  
Email: [daniel.marmolejo@sbcss.net](mailto:daniel.marmolejo@sbcss.net)
- **Rhonda Massaro, Risk Management Analyst**  
Office: (909) 386-9672  
Email: [rhonda.massaro@sbcss.net](mailto:rhonda.massaro@sbcss.net)

### **DISCRIMINATION/RETALIATION**

Discrimination, retaliation, and sexual harassment must be reported to the director, manager, or supervisor and to Human Resources. It is a violation of this policy for a director, manager, supervisor, or co-worker, to retaliate, in any form, against an 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. Acts of retaliation will not be condoned.

If unsure as to what must be reported in a report, you may contact Human Resources.

## **DEFINITIONS**

**Act of Violence** - The attempt (coupled with the ability), or actual use of force or violence with the intent to threaten, harass, intimidate, intentionally commit an injury to self or others, or damage or destroy property.

**Harassment** - The creation of a hostile work environment through unwelcome words, actions, or physical contact not resulting in physical harm. Verbal harassment may include disparaging or derogatory comments or slurs, unreasonable or excessive criticism, or name calling.

**Intimidate** - To make afraid; to frighten, alarm, or scare. To force a person into or deter them from some action by inducing concerns for their safety by means of any physical action and/or verbal comment.

**Stalking** - Any person willfully, maliciously, and repeatedly harassing another by any means, direct or indirect, that causes a reasonable person fear for his/her safety or the safety of his/her immediate family.

**Threat** - An action (verbal, written or physical) which is intended to intimidate by expressing the intent to harass, hurt, take the life of another person, or damage or destroy property. This includes threats made in jest, but which others could perceive as serious.

**Workplace** - Anywhere a SBCSS employee is conducting authorized SBCSS business; en route to and from (excluding normal commute) a location where SBCSS business is, will be, or has been conducted; all SBCSS-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 SBCSS employees, whether or not the space is owned or leased by SBCSS.

## **EXAMPLES OF WORKPLACE VIOLENCE**

Examples of workplace violence include but is 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 SBCSS property.
- Harassing surveillance or stalking.
- 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.

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

Research into incidents of workplace violence shows the presence of several of the following characteristics in a potentially violent individual. 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.

## **BE PROACTIVE**

Directors, managers, or supervisors are accountable for recognizing 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 counseling or Employee Assistance Program (EAP).

## **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 9-1-1 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 shout down (de-escalate) at the other person or make any aggressive moves toward him/her.
- 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.

## **RESPONSIBILITIES OF MANAGEMENT**

Directors, managers, and supervisors are responsible for ensuring compliance with the provisions of the Workplace Violence Prevention Plan 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 9-1-1** if there is a physical conflict, if there is an emergency, or if someone has been seriously injured.
- Report all threats or acts of workplace violence to Human Resources Branch. For all observed or reported incidents of workplace violence, the director, manager, and supervisor shall, as soon as reasonably possible, complete a written statement from involved employees and submit documentation to Human Resources. The office of Human Resources reserves the right to gather additional information as necessary to ensure the employees' safety and complete the investigation within a timely manner.

If an employee has been injured, the director, manager, or supervisor must:

- Have the injured worker contact Risk Management Services, Workers' Compensation Technician at (909) 386-9671 to report their injury.

Directors, managers, and supervisors may also offer or refer affected employees' 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.

If you have reason to believe an employee will act violently towards others, immediately contact Human Resources. Human Resource may recommend utilizing administrative leave or time off in accordance with SBCSS Policy to excuse the individual from the workplace. In lieu of administrative leave or time off, Human Resources may consider other options for resolution such as a cooling down period, reassignment, additional supervision, counseling and coaching or mentoring.

Employee(s) returning to the workplace from violence related administrative leave shall be counseled with the Workplace Violence Prevention Plan prior to assuming their regular work duties. Depending upon circumstances, additional counseling and/or discipline may be appropriate.

## **EMPLOYEES**

San Bernardino County Superintendent of School 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](#)). Unlawful retaliation under Government Code section 19572, subdivision 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.

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 Human Resources. The initial verbal report shall be followed up with written documentation which shall include the following critical information:

- Names of the involved parties (i.e., perpetrator, victim, and witnesses),
- Exactly what occurred.
- When the incident occurred.
- Where the event took place, and
- If know why it happened.

## **INCIDENT REPORTING PROCEDURES**

If there is a physical conflict, emergency, or if someone has been seriously injured, call 9-1-1, and report all threats or acts to your director, manager, supervisor, **AND** to SBCSS Human Resources/Risk Management.

## **WORKPLACE VIOLENCE COORDINATOR**

Upon notification, the designated Workplace Violence Prevention Coordinator in Human Resources will:

- Notify the affected office, director, manager, or supervisor.
- Consult with affected directors, managers, supervisors, and employees who reported the complaint(s).
- Coordinate all appropriate referrals and investigations.
- Collaborating with Human Resources and the affected office or branch leads to direct response related to incidents of workplace violence.



## **WORKPLACE VIOLENCE NOTIFICATION:**

Risk Management Services shall establish and maintain the Comprehensive Workplace Violence Prevention Plan to address workplace violence issues, to assist in managing workplace violence prevention, and to provide resources to affected employees of SBCSS who are or may be experiencing workplace violence.

### **1. Risk Management Services:**

The Director will serve as the representative of the Executive Cabinet of the San Bernardino County Superintendent of Schools.

### **2. Employee Assistance Program (EAP):**

EAP offers confidential support from Licensed Counselors who can help employees work through issues impacting their life and well-being.

### **3. Human Resources:**

Human Resources will lead the team and coordinate assistance with personnel matters and labor relations.

### **4. Human Resources:**

The branch of the affected office will be invited to join the Workplace Violence Team meeting as an active member unless the incident presents a conflict of interest. If there is a conflict, the appropriate director or manager will be invited to participate on behalf of the affected branch.

## **THE RESPONSIBILITIES OF THE WORKPLACE VIOLENCE PREVENTION PLAN INCLUDE:**

- Administering policies and procedures for the management of workplace violence prevention, promoting a safe working environment for all SBCSS employees.
- Assessing risk and determining the legal obligations of the department. The team will determine when outside resources are required.
- Serving as liaison to these specialized resources, such as: workplace violence prevention, building/office safety, workplace trauma counseling and debriefing, legal assistance, counseling groups, and law enforcement.
- Meeting at least semi-annually to review policy, procedures, and issues.

## **WEAPONS PROHIBITED**

In accordance with SBCSS [Policy 5131.7](#), SBCSS employees and members of the county schools 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 SBCSS. This policy applies to all SBCSS owned buildings or leased spaces, garages, and parking facilities.

Pursuant to Penal Code 171b, Prohibited Weapons. California Penal Code outlines bringing unauthorized weapons into public buildings under Penal Code 171b. It states that 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.

1. Any firearm.
2. Any deadly weapon described.
3. 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 using one or two hands.
4. Any unauthorized tear gas weapon.
5. Any taser or stun gun, as defined in Section 244.5.
6. 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, the director, manager, or supervisor shall notify Human Resources as appropriate. The director, manager or supervisor shall contact the local law enforcement agency as appropriate. Do not attempt to retrieve or confiscate the weapon(s).

## **RESOURCES**

Responsible Control Agency - Human Resources

### **Laws and Regulations:**

- **CA Code, Code of Civil Procedure - [CCP § 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.
- **CA Code, Family Code – [FAM § 6300](#)** An order may be issued under this part, with or without notice, to restrain any person for the purpose of preventing a recurrence of domestic violence and ensuring a period of separation of the persons involved, if an affidavit or, if necessary, an affidavit and any additional information provided to the court pursuant to Section 6306, shows, to the satisfaction of the court, reasonable proof of a past act or acts of abuse.
- **CA Code, Labor Code – [LAB § 230](#) and [Lab § 230.1](#)** Domestic Violence Victims' Rights California Labor Code sections 230 and 230.1 provides 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.
- **CA Code, Penal Code - [PEN § 71](#)** makes it a crime to threaten to inflict bodily injury or property damage upon public officers, public employees, or school officials or employees. Violating can be prosecuted as a felony or misdemeanor carrying incarceration and/or up to \$10,000 in fines.
- **CA Code, Penal Code – [PEN § 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.
- **CA Code, Government Code - [GOV § 19572](#)** – Cause for Discipline (“any employment list”)
- **SBCSS Policy [5131.7](#)** Weapons and Dangerous Instruments.
- **Other Resource Materials:**  
National Institute for Occupational Safety and Health (NIOSH)  
<https://www.cdc.gov/niosh/index.html>

**Exhibit A**

**Workplace Violence Form**

**San Bernardino County Superintendent of Schools**

**WORKPLACE VIOLENCE COMPLAINT FORM**

Work Location: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Educational Service Center/Office: \_\_\_\_\_

Name: \_\_\_\_\_ Employee #: \_\_\_\_\_

Job Title: \_\_\_\_\_

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

1. Date of the alleged workplace violence incident: \_\_\_\_\_
2. Name(s), Title(s), Work Location(s) and Telephone Number(s) of the accused:

Name	Title	Location	Tel. No.
_____	_____	_____	_____
Name	Title	Location	Tel. No.
_____	_____	_____	_____

3. Present the facts of the alleged workplace violence act (FOR EXAMPLE: How did this affect you? Describe completely the reason(s) for your complaint. You must include the date(s) and relevant circumstance underlying your allegation. Give the names of all persons involved. ATTACH ADDITIONAL SHEETS AS NEEDED).

4. Do you have witnesses that can corroborate your allegations?  Yes  No  
If yes, please identify:

5. Please supply supporting evidence that you may have to document the basis for the alleged practice that you are claiming, e.g., copies of any written material that you believe support your allegation. I have attached supporting evidence:  Yes  No  
Please list the documents you have attached:

6. Have you filed any other claim, complaint or grievance related to this matter?  Yes  No  
If yes, please describe:

7. What remedy are you seeking to resolve your complaint?

Complainant's Signature  Date

**Submit this Workplace Violence Complaint Form  
and any attachments to your immediate supervisor, Human Resources and  
Risk Management.**

**Keep a copy for your records.**