



**City of Hampton  
PERSONNEL ADMINISTRATIVE INSTRUCTION**

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| <b>DATE:</b><br>March 1, 2010 | <b>CHAPTER:</b><br>8                                     | <b>PAI No.</b><br>8 |
| <b>REFERENCES:</b>            | <b>SUBJECT:</b><br>Weapons and Violence In The Workplace |                     |

**I. Purpose:**

The City is dedicated to maintaining a safe working environment for its employees, volunteers, elected officials, individuals providing temporary services through outside agencies, members of the public, customers, and vendors. Consistent with this policy, all acts of violence, including work and equipment sabotage, property damage, threats of physical violence, including intimidation, harassment, and/or coercion, that affect the City of Hampton or that occur on City property will not be tolerated. The purpose of this policy is also to prevent the risk of violence by preventing the brandishing or use of weapons on City property or while conducting City business. Violations of this policy will result in disciplinary action up to and including dismissal and may result in arrest and/or prosecution.

**II. Policy Goals and Objectives:**

The objectives of this policy are to achieve the following:

- A. Reduce the potential for violence in and around the workplace;
- B. Encourage and foster a work environment that is characterized by respect and healthy conflict resolution; and
- C. Mitigate the negative consequences for employees who experience or encounter violence in their work lives.

**III. Workplace Violence Defined:**

The City defines workplace violence as any act of violence, threats to inflict physical harm, damage to property, or any intentional behavior that would cause a reasonable person to feel threatened with physical harm against employees, volunteers, elected officials, individuals providing temporary services through outside agencies, members of the public, customers, and vendors. This policy applies to workplace violence from all sources. Additionally, threats or acts of violence include conduct against persons or property that is sufficiently severe, offensive, or intimidating so as to alter the employment conditions or to create a hostile, abusive, or intimidating work environment.

**IV. Examples of Prohibited Conduct:**

General examples of prohibited workplace violence include, but are not limited to, the following:

- A. All threats or acts of violence occurring on City of Hampton property, regardless of the relationship between the City and the parties involved in the incident.
- B. All threats or acts of violence not occurring on City property but involving someone who is acting in the capacity of a representative of the City of Hampton.

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|--|-------------|---------|----------|
| Approved By:<br><br>Diane P. Bohlman, Director – Human Resources | Chapter No. | PAI No. | Page No. |
|  | 8           | 8       | 1        |
| Revision Date: February 27, 2013                                 |             |         |          |

**City of Hampton  
PERSONNEL ADMINISTRATIVE INSTRUCTION**

- C. All threats or acts of violence not occurring on City property involving an employee of the City of Hampton if the threats or acts of violence affect the legitimate interests of the City of Hampton.
- D. Any threat or act resulting in the conviction of an employee or agent of the City of Hampton, or of an individual performing services on the City's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the City of Hampton.
- E. Making harassing or threatening statements by telephone, letter or other forms of written or electronic communication.
- F. Harassing surveillance, also known as "stalking", the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety.
- G. Also included are: assaults of any form, direct threats or physical intimidation, physical restraint or confinement, dangerous or threatening horseplay, loud, disruptive or angry behavior or language that is clearly not part of the typical work environment, blatant or intentional disregard for the safety or well-being of others, bomb threats, vandalism, arson, or sabotage.
- H. Any other act that a reasonable person would perceive as constituting a threat of violence.

V. Weapons in the Workplace:

For the purpose of this policy, a weapon is defined as any instrument capable of producing bodily harm at a time and place that manifests intent to harm or intimidate another person or that warrants alarm for the safety of another person.

The term "weapon" includes, but is not limited to, the following:

- A. any pistol, revolver or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material;
- B. any firearm or replicate firearm, loaded or unloaded, assembled or disassembled, including pellet, "BB", and stun guns/tasers (electronic incapacitation devices);
- C. any dirk, bowie knife, switchblade knife, any knife with a blade of more than three inches (3"), ballistic knife, machete, razor, slingshot, spring stick, metal knuckles, or blackjack;
- D. any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, skuriken, or fighting chain;
- E. any disk, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be know as a throwing star or oriental dart;
- F. brass knuckles, metal knuckles, and similar weapons;
- G. bows, cross-bows and arrows;

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|--|----------------------------------|--------------|---------------|
| Approved By:                                 | Chapter No.<br>8                 | PAI No.<br>8 | Page No.<br>2 |
| Diane P. Bohlman, Director – Human Resources | Revision Date: February 27, 2013 |              |               |

**City of Hampton**  
**PERSONNEL ADMINISTRATIVE INSTRUCTION**

- H. explosives and explosive devices including fireworks and incendiary devices;
- I. any weapon that is, by applicable law, illegal to possess;
- J. any object that has been modified to serve as, or has been employed as, a dangerous weapon.

VI. Employees Authorized to Carry and Use Weapons:

Unauthorized or inappropriate use of firearms, weapons, or any other dangerous devices on City property or while on City business is prohibited. Sworn Police Officers, Auxiliary Officers, Corrections Officers, Fire Investigators, Park Rangers and Animal Control Officers who are authorized to carry and use a weapon in the course of performance of duties are exempt from this restriction.

VII. Unauthorized Possession and Use of Weapons:

Although possession of firearms is not illegal in Virginia, all employees (inclusive of concealed weapons permit holders), other than those listed in paragraph VI above, are prohibited from carrying weapons on their person while on City property or while in the performance of official City duties, to include while driving a City-owned vehicle. However, in compliance with the Code of Virginia Section 15.2-915, employees may store a lawfully possessed firearm and ammunition in a locked, private motor vehicle at the employees' workplace. Additionally, the brandishing or use of any firearm or weapon by employees, other than those listed in paragraph VI above, is strictly prohibited on City owned or City-leased property. Employees or members of the general public who use or threaten to use a weapon or firearm on City-owned or City-leased property will be subject to criminal prosecution.

VIII. Application and Reporting Procedures:

- A. Employees who become aware of, or have reason to believe that a member of the general public is using or threatening to use a weapon shall immediately report the incident to the manager/supervisor, Department Head or Director of Human Resources or designee.
- B. Managers/supervisors shall promptly refer any such incident to the appropriate management level supervisor, who shall take corrective action in accordance with the City's Personnel Policies Manual and in consultation with the Director of Human Resources.
- C. In the event of the initiation of any investigation leading to a proposed disciplinary action, the manager/supervisor shall report the incidents of threats or acts of physical violence to the Director of Human Resources.
- D. Individuals who are not employees are encouraged to report all incidents of threats or actual acts of physical violence. The report should be made to the City of Hampton Police Division.

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|--|----------------------------------|---------|----------|
| Approved By:                               | Chapter No.                      | PAI No. | Page No. |
| Diane P. Bohlman, Director Human Resources | 8                                | 8       | 3        |
|  | Revision Date: February 27, 2013 |         |          |

**City of Hampton**  
**PERSONNEL ADMINISTRATIVE INSTRUCTION**

**IX. Imminent or Actual Violence:**

Employees experiencing or witnessing imminent danger or actual violence involving weapons or personal injury shall immediately contact the Police Division by dialing 911 and then inform the manager/supervisor. The City does not expect employees, who are not law enforcement personnel, to become physically involved or place themselves or others at risk.

- A. Employees who experience a suspected violation of this policy involving violence without weapons or personal injury, or witness suspected violation, should report the incident to the manager/supervisor, Department Head, or Director of Human Resources or designee.
- B. Employees who believe a crime has been committed against them have the right, and are encouraged, to report the incident to the appropriate law enforcement agency.
- C. Employees who make false and malicious complaints of workplace violence will be subject to disciplinary action and/or referral to civil authorities.

**X. Procedures for Investigating Incidents of Workplace Violence:**

Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The employee's Department Head in consultation with the Director of Human Resources and the City Attorney's Office will initiate investigations into potential violations of this policy. Simultaneously, the Department Head will refer the matter to the Police Division for their review of potential violation of civil and/or criminal law. Investigations procedures will include:

- A. Visiting the scene of an incident as soon as possible.
- B. Interviewing injured and threatened employees and witnesses.
- C. Examining the workplace for security risk factors associated with the incident, including any reports of inappropriate behavior by the perpetrator.
- D. Determining the cause of the incident.
- E. Taking mitigating action to prevent the incident from recurring.
- F. Recording the findings and mitigating actions taken.

**XI. Procedures for Investigating Incidents of Weapons in the workplace:**

Managers/supervisors, who receive information that a situation involving weapons has occurred, shall investigate and document the allegation and the investigation findings. Manager/supervisors shall report the findings to the Director of Human Resources or designee.

If the manager/supervisor finds that a violation has occurred, appropriate disciplinary action, up to and including dismissal, shall be taken. In cases where the violator is not an employee, the violators will be subject to removal from City property. In a case involving

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|--|-------------|----------------------------------|----------|
| Approved By:                               | Chapter No. | PAI No.                          | Page No. |
| Diane P. Bohlman, Director Human Resources | 8           | 8                                | 4        |
|  |             | Revision Date: February 27, 2013 |          |

**City of Hampton**  
**PERSONNEL ADMINISTRATIVE INSTRUCTION**

the use of weapons or a threat to inflict bodily harm, the manager/supervisor shall, in consultation with the Department of Human Resources and/or the City Attorney's Office, take reasonable steps necessary to provide appropriate workplace safeguards. In addition to any discipline or other appropriate action that may be imposed, the City may initiate prosecution against a violator or, lend reasonable assistance to an individual to prosecute the offender.

XII. Searches:

The City reserves the right to conduct investigatory searches, without employee consent, of all areas and property over which the City maintains joint control with an employee, or full control. Such areas and property include, but are not limited to desks, closets, bookcases, lockers, file cabinets, City vehicles and/or private vehicles used in conducting City business. When possible, investigatory searches should be approved in advance by the Department of Human Resources or designee

XIII. Action Following Investigations:

Any individual or group who endangers the physical and/or emotional health, safety and well-being of another may be subject to one or more of the following actions: Conflict resolution; counseling; administrative leave; referral to EAP; discipline; dismissal; civil and criminal penalties as provided by law.

In appropriate circumstances, the City will inform the reporting individual of the results of the investigation. To the extent possible, the City will maintain the confidentiality of the reporting employee and the investigation but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. The City of Hampton will not tolerate retaliation against any employee who reports workplace violence.

XIV. Retaliation:

The City of Hampton has a zero tolerance for retaliation against an employee who has in good faith filed a complaint of a violation of this policy, or who has assisted in an investigation. Employees who report a violation of this policy, or who cooperate in an investigation in compliance with this policy and who believe they have been retaliated against should report this conduct as outlined above.

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|--|----------------------------------|---------|----------|
| Approved By:                               | Chapter No.                      | PAI No. | Page No. |
| Diane P. Bohlman, Director Human Resources | 8                                | 8       | 5        |
|  | Revision Date: February 27, 2013 |         |          |