

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE



**WORKPLACE VIOLENCE AND BULLYING PREVENTION
PROGRAM**

**Executive Branch
Office of Equal Employment Opportunity**

June 1, 2014

Policy

The Department of Fish and Wildlife (DFW) strives to provide all employees with a healthy, safe, and secure work environment. It shall be the policy of DFW to provide all employees, members of the public, and constituents with a safe and healthful work environment.

It shall be the policy of DFW to take appropriate actions to protect, as fully as possible, State employees, members of the public, and constituents from bullying, threats, harassment, intimidation, stalking, and/or acts of violence which may occur at State workplaces, and during the performance of State duties.

The DFW shall also take action, including involving State or local law enforcement, in pursuing through judicial or other appropriate administrative remedies when such incidents occur.

Workplace violence or bullying, whether implied or direct, made by a DFW employee, a member of the public, or constituent, must be taken seriously, reported immediately, documented, and investigated if necessary. No employee shall experience retaliation for reporting any type of bullying or workplace violence.

Purpose

The purpose of the Workplace Violence and Bullying Prevention Program (WVBPP) is to ensure that DFW provides employees, members of the public, and constituents with a place to conduct the business of this Department free of bullying, threats, harassment, intimidation, stalking, and/or acts of violence.

Legal Authority

California Labor Code Section 6400 requires that every employer furnish a safe and healthful place of employment.

California Government Code Section 19572 prohibits workplace violence, discourteous treatment, willful disobedience, insubordination, and other failure of good behavior, and constitutes cause for discipline.

California Penal Code Section 71 prohibits any person from threatening or inflicting unlawful injury upon any public officer or employee, which would cause the public officer, or employee to refrain from doing any act in the performance of his/her duties.

California Penal Code Section 171b prohibits any person from bringing or possessing within any state or local public building firearms and other weapons as described in the section. There are exceptions for peace officers, holders of CCW permits, and personnel who have permission to possess the weapon in writing by a duly authorized official in charge of security of the building. Any person who brings or possesses any of these items is guilty of a public offense punishable by imprisonment in a county jail for not more than one year, or in the state prison.

Definitions

Act of Violence - An act of violence is the attempt (coupled with the ability), or actual use of force of violence with the intent to threaten, harass, intimidate, commit a violent injury, or damage/destroy property.

Bullying - Unwanted offensive and malicious behavior which undermines an individual or group through persistently negative attacks. There is typically an element of vindictiveness and the behavior is calculated to undermine, patronize, humiliate, intimidate, or demean the recipient.

Cyberbullying - The use of Information Technology to harm or harass other people in a deliberate, repeated, and hostile manner.

Harassment - The creation of a hostile work environment that includes, but is not limited to, the following types of behavior:

- a. Verbal harassment such as making or using derogatory comments, epithets, slurs, or jokes.
- b. Physical harassment such as battery, assault, impeding or blocking another person's movement in and about the workplace or unwelcome touching of an individual.
- c. Visual harassment such as derogatory gestures, posters, cartoons, or drawings.

Hostile Work Environment - When the conduct is either sufficiently severe or pervasive that the conduct would create an intimidating, oppressive, hostile, or offensive work environment or otherwise interfere with that person's emotional well-being or ability to perform his or her work duties.

Intimidate - To make afraid, to frighten, alarm, annoy, or scare. To force a person to do, or deter them from, some action by inducing fear by, or as if by, threats.

Stalking - Stalking occurs when any person willfully, maliciously and repeatedly follows or harasses another and makes a credible threat with the intent to place that person in reasonable fear for his/her safety or the safety of his/her immediate family.

State Workplace - A State workplace shall be anywhere a State employee is conducting authorized State business, including wildlife areas, or enroute to and from (excluding normal commute) a location where State business is, will be, or has been, conducted.

Threat - A threat is an act (verbal, written, or physical) which is intended to intimidate by expressing the intent to harass, harm, or damage property. This includes threats made in jest but which others could perceive as serious.

Workplace Violence - The three major types of workplace violence are:

Type I - The aggressor has no legitimate business relationship to the workplace and usually enters the affected workplace to commit an act not in compliance with the law.

Type II - The aggressor is a customer, current or former client, or criminal suspect that is unhappy with the services provided and expresses their disagreements through hostility and/or aggression.

Type III - The aggressor has some employment-related involvement with the affected workplace such as a current or former employee, supervisor, manager, a current/former spouse or partner, a relative, friend, or some other person who has a dispute with an employee of the affected workplace (i.e. contractors, vendors, constituents).

This third type of workplace violence can also involve domestic violence, which is abusive behavior that is physical, sexual, and/or psychological and used to maintain control over a domestic partner(s). This sometimes affects the workplace and may have the potential to become workplace violence.

Examples of Workplace Violence

- Hitting or shoving an individual;
- Verbal harassment, directly or indirectly, in person or by phone;
- Threatening an individual or his/her family, friends, associates, or property with harm;
- The intentional destruction or threat of destruction of State property;
- Harassing surveillance or stalking;
- The suggestion or intimation that violence is appropriate;
- Unauthorized possession or inappropriate use of firearms or weapons; and
- Terrorist threats.

Examples of Workplace Bullying

- Constant threats of dismissal or intimidation;
- Attempts to destroy or harm the person's self-esteem or confidence;
- Constant negative remarks or repeated criticism or sarcasm;
- Consistent over time, unrealistic work demands, or work overloading;
- Isolating or systematically isolating the person;
- Spreading false information or rumors;
- The use of Information Technology to harm or harass other people in a deliberate, repeated, and hostile manner;
- Tasks that are ambiguous, contradictory, or that are deprived of purpose;
- False insinuations, attacks to the individual's dignity, integrity, or self-image; and
- Attempts to humiliate or public humiliation.

Responsibilities

It is up to each employee to help make DFW a safe workplace for all of us. The expectation is that each employee will treat all other employees, constituents, and the public that DFW serves with dignity and respect. It is also expected that management is to provide a safe working environment by putting preventative measures into place and to take immediate action towards threatening and potentially violent situations.

Incident Reporting Procedures

Immediate Danger:

- Call the CHP for emergency assistance at 9-1-1 (or (9) 9-1-1 if your telephone system requires you to dial a 9 first). In addition to the CHP, you may contact CDFW peace officers in the vicinity of your facility; and
- Report all threats or acts of workplace violence to your supervisor/manager.

No Immediate Danger:

Report the incident to your supervisor/manager and/or the Equal Employment Opportunity (EEO) Office at (916) 651-9315 or eeo@wildlife.ca.gov.

Complete the Workplace Violence and Bullying Incident Report (CDFW-EEO-265) which is available on the EEO Intranet page. You may submit the information anonymously if you believe that is necessary.

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NOTICE OF RECEIPT BY EMPLOYEE

I have read the California Department of Fish and Wildlife's Workplace Violence and Bullying Prevention Program and have received a copy.

Employee's Name (Please Print)

Date

Division/Region/Branch

Employee's Signature

Once the acknowledgement form is completed and signed, please return it to your supervisor/manager. Your supervisor/manager will ensure that the form is placed in your personnel file.