EXECUTIVE ORDER NO. 112

TO: All Departments and Agencies Under the Mayor

FROM: John W. Hickenlooper, Mayor

DATE: October 30, 2006

SUBJECT: Violence in the City Workplace

Purpose: This Executive Order establishes the policy and procedures to be followed by departments and agencies regarding violence involving employees of the City and County of Denver. The purpose of this Executive Order is to reduce the risk of all forms of violence that impact the workplace. Former Executive Order 112, “Violence in the Workplace,” dated February 07, 1995, is hereby cancelled and superseded by this Executive Order No. 112, Violence in the City Workplace, dated, October 30, 2006.

1.0 Applicable Authority: The applicable authority relevant to the provisions and requirements of this Executive Order No. 112, are found in Section 22.10 (A) & (C) of the Charter of the City and County of Denver, 2002 revised.

2.0 Policy: Violence has no place in any of the City and County of Denver’s work locations or at any City-sponsored event, and is strictly prohibited. Moreover, violence committed by employees of the City and County of Denver, whether on-duty or off-duty, reflects poorly on the City and County of Denver and is strictly prohibited. A common form of violence is domestic or family violence, which also is strictly prohibited when the City’s employees are the perpetrators of such violence.

Domestic and Family Violence: The City shall endeavor to prevent and reduce the effects of domestic and family violence in the workplace. There are at least three ways domestic and family violence can impact the workplace: (1) A perpetrator of domestic or family violence is employed by the City; (2) A victim of domestic or family violence is employed by the City; (3) an act of domestic or family violence occurs in a City work location or at a City-sponsored event. The City is committed to providing support to victims of domestic and family violence as appropriate, and not tolerating perpetrators of domestic and family violence.

Bringing any kind of weapon to a City work location or a City-sponsored event is strictly prohibited, unless an employee is required to carry a weapon as part of his or her City position. This prohibition includes the possession of weapons in violation of federal, state, or local law.

City employees who perpetrate violence, whether on-duty or off-duty, or who bring a weapon to a City work location or a City-sponsored event, or otherwise violate this Executive Order may be subject to disciplinary action, up to and
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including dismissal, and possible criminal action. Failure of a managerial or supervisory employee to enforce this Executive Order may result in disciplinary action against the manager or supervisor, up to and including dismissal.

City employees who violate a valid court order issued by a court of any record within the United States of America that prohibits conduct, limits physical movement, or regulates child custody, or otherwise violate this Executive Order and may be subject to disciplinary action, up to and including dismissal, and possible criminal action.

3.0 Definitions:

Violence is defined, but not limited to:

(a) the actual or attempted: physical assault, beating, improper touching, striking, shoving, kicking, grabbing, stabbing, shooting, punching, pushing, rape, use of a deadly weapon; or

(b) the actual or attempted: threatening behavior, verbal abuse, intimidation, harassment, obscene telephone calls or communications through a computer system, swearing at or shouting at, stalking.

Other prohibited acts include:

(a) any violation of a valid court order issued by any court of record within the United States of America, which restrains and prohibits any person from communicating with or contacting in any manner, threatening, beating, striking, or assaulting any other person, or;

(b) any violation of a valid court order issued by any court of record within the United States of America, which requires a person to leave certain premises, or prohibit from entering or remaining on such premises or any specified area; or

(c) any violation of a valid court order issued by any court of record within the United States of America, which regulates child custody,

(d) for an employee to be found in violation of this Executive Order, the agency must possess information that such person has been personally served with any such order or otherwise acquired from the court actual knowledge of the contents of any such order.

Domestic violence is defined as an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship, meaning
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a relationship between spouses, former spouses, past or present unmarried
couples, same-sex couples, persons who dated or formerly dated or persons who
are both the parents of the same child regardless of whether the persons have been
married or have lived together at any time.

Family violence is defined as an act or threatened act of violence upon a person
with whom the actor is or has been related to by blood or marriage, including but
not limited to the actor’s parents, grandparents, siblings, in-laws, children, and
grandchildren.

Weapon is defined as including a device, instrument, material or substance used
for, or can cause death or bodily injury, or damage to property. Weapons include,
but are not limited to: an explosive or an explosive weapon, a device principally
designed, made or adapted for delivering or shooting an explosive weapon, a
machine gun, a rifle or shotgun, a handgun, a firearm silencer, a switchblade knife
or any other type of knife, or brass knuckles, or any other implement for infliction
of bodily injury, damage to property, or death which has no common lawful
purpose. Pocket knives or knives used solely for eating, food preparation or food
distribution, are not considered "weapons" for purposes of these Guidelines unless
used to inflict bodily injury or damage to property.

4.0 Management/supervisory responsibilities:

In addition to ensuring that their employees are properly trained on the provisions
within this Executive Order, every manager and supervisor is responsible for the
following upon notice from the employee or upon becoming aware that an act of
violence or violation of this Executive Order is about to occur:

(a) Contacting law enforcement in an emergency situation (including 9-911,
as appropriate);

(b) Contacting the City’s workplace violence coordinator (currently the
Director of the Mayor’s Office of Employee Assistance); the coordinator
shall serve as a resource and advisor for such incidents;

(c) Taking reasonable steps to ensure, to the extent possible, the safety of any
employee or member of the public who has been threatened or harmed;

(d) Ensuring a prompt and adequate response to any incident of violence that
impacts the workplace, including an appropriate investigation;

(e) Sharing information about an incident on only a need-to-know basis;

(f) Allowing employees to take up to three days of leave, paid or unpaid,
to address issues arising from violence suffered by an employee. If the
employee has sufficient vacation or sick leave available, the employee
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may elect to use either leave to cover the absence. If no leave is available to the employee, the agency shall authorize leave without pay pursuant to Career Service Rule 11-80 et.seq;

(g) Treating alleged victims, including victims of domestic or family violence, with respect and providing support as appropriate;

(h) Treating alleged perpetrators fairly; and

(i) For following any internal agency procedures enacted to address workplace violence issues. If no internal agency procedures exist, managers are required to notify upper-level supervisors if acts of workplace violence occur.

5.0 **Employee responsibilities:**

Every employee is responsible for the following upon notice or upon becoming aware that an act of violence or violation of this Executive Order is about to occur:

(a) Contacting law enforcement in an emergency situation (including 9-911, as appropriate);

(b) Immediately reporting to their supervisor or the agency’s violence contact person or the Employee Relations Unit of Career Service Authority any violence or threat of violence or unauthorized possession of a weapon or any other violation of this Executive Order;

(c) Cooperating in any investigation of a violation of this Executive Order;

(d) Respecting the privacy of co-workers and others involved in a violence incident; and

(e) Reporting to his or her immediate supervisor immediately if the employee is charged with a crime or is the subject of a restraining order or has been charged with a crime within the past year or otherwise has any pending criminal charges against him or her.

6.0 **Disciplinary Action:** Any violation of this policy by employees, including a first offense, may result in disciplinary action, up to and including dismissal. Willful failure of a supervising employee to enforce this policy may result in disciplinary action against the supervisor, up to and including dismissal. Any deliberate, unwarranted allegations of a violation of this policy may be viewed as an attempt to disrupt city operations and may result in disciplinary action.
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7.0 **Limitation on Liability:** The provisions contained in this Executive Order do not create or constitute any contractual rights between or among the City and County of Denver, its employees and any third party. This Executive Order is intended to set forth the policy of the City and County of Denver, without creating additional liability against the City.

8.0 **Memorandum Attachments:** The procedure(s) for implementing this Executive Order shall be defined by Memorandum Attachments to the Executive Order, which shall become a part of the Executive Order. Further, the City Attorney’s Office is responsible for the content of this Executive Order and shall have the authority to issue policy and procedure Memorandum Attachments relative to this Executive Order.
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Approved for Legality:

Cole Finegan
City Attorney for the City and County of Denver

Approved:

John W. Hickenlooper
Mayor

Turner West
Manager of Aviation

Nancy Severson
Manager of Environmental Health

Luis A. Colón
Manager of General Services

Kim Bailey
Manager of Parks & Recreation

"Guillermo" Bill Vidal
Manager of Public Works

David Hart
Acting Manager of Revenue

Alvin J. Lacabe, Jr.
Manager of Safety

Roxane White
Manager of Human Services

Peter Park
Director of Planning & Development
MEMORANDUM NO. 112A

TO: All Departments and Agencies Under the Mayor

FROM: John W. Hickenlooper, Mayor

DATE: October 30, 2006

SUBJECT: Examples of unacceptable behavior that is prohibited by the Executive Order:

This Memorandum shall be attached to and become a part of Executive Order No. 112 dated, October 30, 2006 subject “Violence in the City Workplace.”

1.0 The following conduct will not be tolerated (this is not an exhaustive list but rather it provides some examples of unacceptable behavior):

a. Intimidating, threatening or hostile behaviors, physical assault, vandalism, arson, sabotage, unauthorized use of weapons, bringing weapons onto City property (unless authorized as part of one’s job, e.g., a police officer or deputy sheriff) or other acts of this type which are clearly inappropriate to the workplace or acts of this type committed off-duty or outside of the workplace by a City employee, which reflect poorly on the City.

b. Jokes or comments regarding violent acts, which are perceived to be a threat of harm.

c. Encouraging others to engage in the negative behaviors prohibited by this policy.

d. Employee or contract employee acting out while on the job in any abusive manner towards another person including with whom there is an “intimate relationship” as defined above, or is a family member, whether or not the victim is employed by the city.

e. Use of any city property (i.e. phone, computer, agency letterhead, etc.) at any time to harass, threaten, disturb, or abuse someone including with whom there is an “intimate relationship” as defined above, who is a family member.

f. Any employee or contract employee intimidating, threatening, assaulting, harassing, disturbing, or abusing any other employee including with whom there is an “intimate relationship” as defined above, who is a family member.
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g. Any retaliation against a person who initiates a complaint or an inquiry about behaviors that is in violation of this policy.

h. Any act of domestic violence or family violence that result in a criminal charge or conviction of federal, state, or local law.
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MEMORANDUM NO. 112B

TO: All Departments and Agencies Under the Mayor

FROM: John W. Hickenlooper, Mayor

DATE: October 30, 2006

SUBJECT: Agency Responsibilities Under the Executive Order:

This Memorandum shall be attached to and become a part of Executive Order No. 112 dated, October 30, 2006 subject “Violence in the City Workplace.”

Purpose The impact on the work environment can occur in numerous ways. For example, if the employee is a perpetrator of domestic or family violence s/he may use work time on the job to harass or stalk the victim. This employee may also require work coverage due to court appearances or incarceration. If the employee is a victim of domestic or family violence the employee may be harassed at work through unwanted telephone calls and/or visits from the perpetrator. Extensive absenteeism (from abuse or court appearances) and/or tardiness (abusers will often make victims late for work as a part of his/her control) can also occur. The abuser may call and harass co-workers or the victim’s supervisor, in an attempt to locate the victim or have the victim terminated. If both the victim and abuser work for the City, the perpetrator may have easier access to the victim and use that ability to harass, abuse, embarrass, and/or retaliate against the victim.

1.0 Violence In The Workplace Incident Coordination – Emergency Situation:

Every manager and supervisor is responsible for the following upon notice from the employee or upon becoming aware that an act of violence or violation of this Executive Order is about to occur. The following steps should also be taken by employees whom the violence/abuse is directed if they are safely able to do so.

a) Call 9-1-1 if there is an immediate emergency. Do not try to physically intervene. Do make every attempt to remove yourself from the dangerous area.

b) Notify a supervisor/office manager if that person is not aware of the situation.

c) Notify building security and follow any necessary safety measures.

d) Inform any personnel of the situation who may be in direct or indirect danger.
e) Unless the victim refuses or the perpetrator has been arrested, have the police or security escort the victim to him/her vehicle when s/he leaves work.

f) Allow the victim and/or any personnel who may be in danger to leave their work area if there is pending danger.

2.0 Management Responsibility – When Violence is Reported or Suspected in a Non-Emergency Situation:

If an employee discloses to a supervisor s/he is in an abusive relationship or upon the supervisor becoming aware that an act of violence or violation of this Executive Order is about to occur, the supervisor should take the following steps:

a) Inquire if the employee is in any perceived danger or in fear of any sort of retaliation by the abuser.

b) Inquire how the agency can help.

c) Consider whether a protection order should be obtained by the agency. Contact City Attorney’s Litigation Section for assistance pursuant to C.R.S. §13-14-102.

d) Refer the employee to the Mayor’s Office of Employee Assistance for appropriate referrals, safety planning, counseling, and support services. After the employee has met with the Mayor’s Office of Employee Assistance, the supervisor should review the safety plan and institute any necessary and appropriate changes that are practicable within the workplace.

e) Assure confidentiality unless there is concern about the welfare and safety of others, or unless the agency is legally required to disclose the information. Contact the City Attorney’s Litigation Section Enforcement Section for assistance.

f) Offer flexibility in the employees work schedule, change in telephone extension (unless it is the agency’s main phone line), and/or screening of phone calls, and if possible a change in work station location.

g) Notify security if the perpetrator is harassing the victim while at work or causing problems for the agency. If possible provide a picture of the perpetrator to security or local law enforcement notifying them of the current situation. Be sure to also provide security or local law enforcement with copies of any protective orders.
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h) Honor all protective orders issued by a court. If the perpetrator violates the victim’s protective order encourage the victim to call the police, or if the victim wishes to maintain confidentiality, allow him/her to go to another location to report the violation. If the perpetrator violates the agency’s protective order notify the police immediately.

i) If the victim is in need of time off to take care of issues that may arise due to the abusive situation, and has accrued leave, all accommodations should be made to allow the victim additional time off. By law the supervisor is required in some cases to authorize up to three days leave if the employee has no accrued leave (C.R.S. §24-34-402.7). If no leave is available to the employee, the agency shall authorize leave without pay pursuant to Career Service Rule 11-80 et.seq. The law also prohibits an employer from penalizing certain employees who are in a domestic violence situation from taking up to three days leave, paid or unpaid, to get a restraining order, obtain medical care or counseling, locate safe housing, or prepare for or attend legal proceedings. In addition, the City feels that it is appropriate to adjust an employee’s work schedule and be flexible with providing paid and unpaid leave beyond the three days, so that the victim can obtain necessary medical care, counseling, or legal assistance.

j) Never require that the employee take particular steps to stop the abuse.

k) Continue to check in with the employee and ask that s/he continue to keep you informed.

l) Document what actions were taken by the agency.

3.0 If a supervisor suspects an employee is being abused, the following steps should be taken:

a) Do not ignore the situation.

b) Ask direct questions in a nonjudgmental way. Inquire if someone is hurting him/her, or if bruising has been noticeable, inquire how the injury was sustained. Be sure to express concern and support for the person. Call the Mayor’s Office of Employee Assistance to determine the appropriate questions to ask.

c) Do not force the employee to disclose the abuse as privacy rights need to be respected.

d) Document your concerns and what actions were taken.
e) If the employee confides that they are in an abusive relationship the supervisor should follow the guidelines set forth in Section 2.0 of this Memorandum.

4.0 If an Employee is the Perpetrator of Abuse:

Employees who become aware of behaviors by other employees that could reasonably lead to serious bodily injury are required to report such conduct to their supervisor or department manager, including any criminal activity outside of work hours. When a supervisor is aware of any policy violations, the following should be done:

a) Impose discipline for any violations of the Executive Order, the Career Service Rules, or other City or agency policies, up to and including dismissal.

b) Investigatory leave should also be considered when a violation of this Executive Order occurs. Contact the City Attorney’s Office Litigation Section for advice on appropriate disciplinary steps.

c) If an employee is arrested on criminal charges that include domestic violence or family violence for an incident that occurred outside of work time, the employee should notify his/her supervisor. The supervisor should then place the employee on notice to keep the agency informed of the outcome of his/her case. If the employee is charged or convicted of the crime, disciplinary action should be considered, and taken, if appropriate.

d) If counseling is required as a part of any disciplinary actions, the treatment provider must be state approved to provide domestic violence counseling. Office of Employee Assistance can provide the appropriate referral.

e) Always maintain that there is no excuse for violence.

f) Document all disciplinary actions taken.
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MEMORANDUM NO. 112C

TO: All Departments and Agencies Under the Mayor

FROM: John W. Hickenlooper, Mayor

DATE: October 30, 2006

SUBJECT: Employee Responsibilities Under the Executive Order:

This Memorandum shall be attached to and become a part of Executive Order No. 112 dated, October 30, 2006 subject “Violence in the City Workplace.”

Employee Responsibility

If employees disclose that they are in an abusive situation:

a) Suggest that they speak to their supervisor or Office of Employee Assistance.

b) If the employee relays any information to another individual that the perpetrator may try to harm the victim at work or harm any other employees or the public, the co-worker must report this to their supervisor.

c) Employees who are a victim of domestic violence and are subjected to any of the behaviors listed in this policy should report the incident to their supervisor, or the agency personnel officer. Support services will be provided and appropriate accommodations will be made when practicable.