

EXECUTIVE ORDER NO. 112

TO: All Departments and Agencies Under the Mayor

FROM: Michael B. Hancock, Mayor

DATE: July 23, 2018

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 Former Executive Order 112, "Violence in the Workplace," dated October 30, 2006, is hereby cancelled and superseded by this Executive Order No. 112, Violence in the City Workplace, dated, July 23, 2018.

- 1.0 **Applicable Authority:** The applicable authority relevant to the provisions and requirements of this Executive Order No. 112, are found in Section 2.2.10 (A) & (C) of the Charter of the City and County of Denver, 2013 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 four 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, or (4) an act of domestic or family violence is committed through use of City equipment or property (e.g., phone, computer, car) to harass, threaten, disturb, or intimidate another individual. 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/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 including dismissal, and possible criminal action. The failure of a managerial or supervisory employee to comply with or 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 any court of record within the United States of America that prohibits conduct, limits physical movement, or regulates child custody, or who otherwise violate this Executive Order may be subject to disciplinary action, up to and including dismissal, as well as possible criminal action. For an employee to be found in violation of this Executive Order for violating a court order, the agency must possess information that the employee was personally served with such order or otherwise acquired from the court actual knowledge of the contents of any such order.

Examples of unacceptable behavior prohibited by this Executive Order include, but are not limited to, the following:

- 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 in the workplace or which reflect poorly on the City when committed off-duty or outside of the workplace.
- b. Jokes or comments regarding violent acts, which are reasonably perceived to be a threat of harm.
- c. Encouraging others to engage in behaviors prohibited by this policy.
- d. Use of any city property (*e.g.*, phone, computer, agency letterhead, etc.) at any time to harass, threaten, disturb, or abuse someone including a person with whom there is an "intimate relationship" as defined below, or who is a family member.
- e. Intimidating, threatening, assaulting, harassing, disturbing, or abusing any

City employee or person, including any such person with whom there is an "intimate relationship" as defined below, or who is a family member.

- f. Any retaliation against a person who reports, initiates a complaint or makes an inquiry about behaviors that may violate this Executive Order.
- g. Any act of domestic violence or family violence that results in the issuance of a permanent Protection Order or a criminal charge or conviction under federal, state, or local law.

3.0 **Definitions:**

Violence is defined as, 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 or abusive behavior (physical or verbal), intimidation, harassment, obscene or harassing telephone calls or electronic communications, (including, but not limited to, text messages, emails, or social media posts), shouting at, restricting one's physical movement, stalking.

Domestic violence is defined as an act or threatened act of violence upon a person with whom the perpetrator is or has been involved in an intimate relationship, meaning a relationship between current or former spouses; unmarried couples who: live together or previously lived together, are or were engaged to be married, or are dating or previously dated; or who are parents of the same child, regardless of whether they have been married or lived together at any time.

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

Weapon is defined as a device, instrument, material or substance used for, or which 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, stun gun (commonly known as a Taser), a switchblade knife or any other type of knife, brass knuckles, or any other implement for infliction of bodily injury or damage to

property, 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 this Executive Order unless used to inflict bodily injury or damage to property.

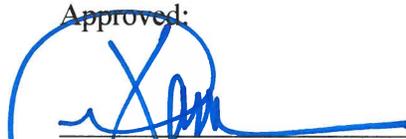
- 4.0 **Disciplinary Action:** Any violation of this policy by employees, including a first offense, may result in disciplinary action, up to and including dismissal. Failure of a supervising employee to comply with or enforce a violation of this policy may result in disciplinary action against the supervisor, 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.
- 5.0 **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.
- 6.0 **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 through the Executive Order Committee.

Approved for Legality:



Kristin M. Bronson
City Attorney for the City and
County of Denver

Approved:



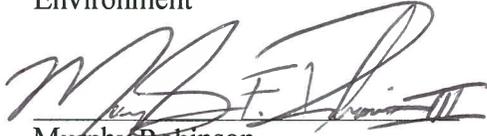
Michael B. Hancock
Mayor



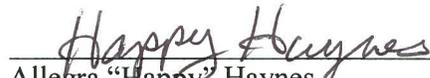
Kim Day
Chief Executive Officer of Aviation



Robert McDonald
Executive Director of Public Health and
Environment



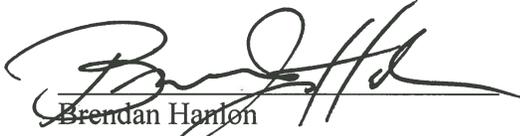
Murphy Robinson
Executive Director of General Services



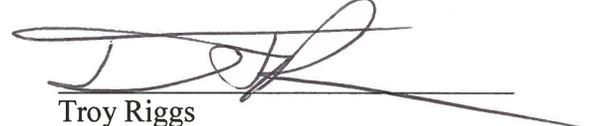
Allegra "Happy" Haynes
Executive Director of Parks and
Recreation



Eulois Cleckley
Executive Director of Public Works



Brendan Hanlon
Chief Financial Officer



Troy Riggs
Executive Director of Safety



Donald Mares
Executive Director of Human
Services



Brad Buchanan
Executive Director of Community
Planning and Development

MEMORANDUM NO. 112A

TO: All Departments and Agencies Under the Mayor

FROM: Michael B. Hancock, Mayor

DATE: July 23, 2018

SUBJECT: Agency/Management Responsibilities Under the Executive Order:

This Memorandum shall be attached to and become a part of Executive Order No. 112 dated, July 23, 2018 subject "Violence in the City Workplace."

Purpose: The impact of violence 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, emails, texts, 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 Management Responsibility – When an Incident of Workplace Violence Occurs or is Imminent - Emergency Situation:

Every manager and supervisor is responsible for the following upon becoming aware or receiving notice that an act of violence or other violation of this Executive Order is occurring or about to occur in the workplace which is reasonably believed to present an emergency situation:

- a) Call 9-1-1 if immediate intervention is or may be necessary to prevent death or bodily injury, or damage to property. Do not try to physically intervene unless reasonably necessary to protect someone from imminent death or bodily injury.
- b) Notify building security and follow any necessary safety measures.
- c) Inform any personnel who may be in direct or indirect danger of the situation and direct them to leave their work area if there is pending danger.

- d) Unless the victim refuses or the perpetrator has been arrested, have the police or security escort the victim to his/her vehicle or other mode of transportation when the victim leaves work.
- e) Seek medical assistance for any victim (or perpetrator) who is injured or ill.
- f) When the situation is no longer an emergency, follow the steps listed in Section 2.0 below as appropriate to the circumstances.

2.0 Management Responsibility - When Violence or Other Violation of this Executive Order in the Workplace Occurs or is Threatened in a Non-Emergency Situation:

Every manager or supervisor who is aware of or notified that an act of violence or violation of this Executive Order has occurred or has been threatened that is not reasonably believed to present an emergency situation should take the following steps:

- a) Inquire if the alleged victim is injured or in any perceived danger or in fear of any sort of retaliation by the abuser. If appropriate, seek medical assistance for the victim, contact law enforcement, and/or take reasonable steps to ensure the victim's safety until other measures can be taken.
- b) Notify higher level supervisors or managers and a human resources representative of the incident.
- c) Refer the matter to law enforcement or human resources personnel for an investigation as appropriate. Do not question or interview the alleged perpetrator or the alleged victim about the incident without first contacting the agency's human resources representative or the Employment Law Section of the City Attorney's Office for guidance.
- d) Consider whether a protection order should be obtained by the agency pursuant to C.R.S. §13-14-101, et. seq. Contact the City Attorney's Employment Law Section for guidance and assistance regarding a protection order.
- e) If appropriate, suggest that the victim contact the City's employee assistance provider (currently Guidance Resources), the City Attorney's Victim Resource Program, the Rose Amond Center (a facility dedicated to assisting victims of domestic violence), or the Victim's Assistance Unit of the Denver Police Department (or other appropriate local law enforcement agency) for appropriate referrals, safety planning, counseling, information on domestic or family violence, information

regarding criminal charges resulting from the violence, and support services. Below is the current contact information for the providers/resources identified above:

Guidance Resources: **877-327-3854**

City Attorney's Victim Resource Program: **720-913-8020**

Rose Andom Center: **720-337-4400**

DPD's Victim's Assistance Unit: **720-913-6035**

City Attorney's Employment Law Section: **720-913-3125**

- f) If the victim employee has met with a victim's assistance program and a safety plan is created for the workplace, the supervisor should review the safety plan and institute any necessary and appropriate changes that are practicable within the workplace.
- g) Maintain confidentiality regarding the incident unless there is concern about the welfare and safety of others, or unless the agency is legally required to disclose the information. Share information about a workplace violence incident only on a need to know basis. Contact the City Attorney's Office's Employment Law Section or the City Attorney's Victim Resource Program for guidance.
- h) If appropriate to the circumstances, offer flexibility in the employee's 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.
- i) 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.
- j) Honor all protective orders issued by a court. If the perpetrator violates the victim's protective order, encourage the victim to call the police. If the perpetrator violates the agency's protective order notify the police immediately, and contact the Employment Law Section of the City Attorney's Office.
- k) 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 to take the necessary time off. By law, the supervisor is required in some circumstances to authorize up to three days leave even if the victim has no accrued leave (C.R.S. §24-34-402.7). If no

leave is available to the victim, the agency shall authorize leave without pay pursuant to Career Service Rule 11. The law also prohibits an employer from penalizing certain victims of domestic violence 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 encourages supervisors and managers to support employees who are victims of domestic violence by allowing them to adjust their work schedules and/or providing them with paid or unpaid leave beyond the three days as needed so that they can obtain necessary medical care, counseling, or legal assistance.

- l) Continue to check in with the employee as appropriate and ask that s/he keep you informed of any developments that may impact his/her work or the workplace.
- m) Treat alleged victims with respect and compassion. Treat alleged perpetrators fairly.
- n) Follow any internal agency procedures enacted to address workplace violence issues.
- o) Document what actions were taken by the agency in response to the incident.

3.0 Management Responsibilities: If a Supervisor Learns or Suspects that an Employee is Being Abused Outside of the Workplace.

Every manager or supervisor who learns or suspects that an employee is being abused at home or otherwise outside of the workplace is responsible for the following:

- a) Do not ignore the situation. Talk to the employee about your concerns following the guidelines below or contact a human resources representative for guidance and assistance.
- b) When talking to an employee who you suspect may be a victim of domestic abuse, ask simple and direct questions such as “is someone hurting you at home?” or “how did you get those bruises?” Do not exert pressure on the employee to disclose the possible abuse or the identity of the abuser. Be sure to express concern and support for the employee, and let him or her know that you are one of many resources available if needed. Consider calling the City's employee assistance provider (currently Guidance Resources), the City Attorney's Victim Resource Program, the Rose Arom Center (a facility dedicated to assisting victims of domestic violence) or the Denver Police Department's Victim's Assistance Unit (or other appropriate local law enforcement agency) for guidance on what to ask or say under these sensitive

circumstances. Contact information for these providers is listed above in Section 2.0.

- c) Do not give the employee advice about the abusive relationship or steps the employee should take to address the abuse, and do not express or demonstrate frustration with the employee's actions or inactions. Do not make critical comments about the perpetrator or impose requirements on the employee or the perpetrator that may put the employee at greater risk.
- d) Document your concerns and what actions were taken.
- e) If you have questions about related court proceedings or the process for obtaining a restraining order on behalf of the agency, call the Employment Law Section of the City Attorney's Office or the City Attorney's Victim Resource Program for assistance.
- f) Follow other applicable guidelines set forth in Section 2.0 of this Section.

4.0 Management Responsibilities: If a Supervisor Learns or Suspects that an Employee is the Perpetrator of Abuse:

Every manager or supervisor who learns or suspects that an employee has engaged in an act of violence or otherwise violated this Executive Order, or is the subject of a restraining order or been arrested, charged or convicted of a crime of violence, including domestic or family violence, is responsible for the following:

- a) Contact law enforcement if a crime may have been committed that has not been reported.
- b) Consider placing the employee on investigatory leave pending the outcome of any criminal proceedings and/or the investigation of a violation of this Executive Order. Contact the agency's human resources representative or the Employment Law Section of the City Attorney's Office for advice on appropriate steps.
- c) Do not question or interview the alleged perpetrator or the alleged victim about the incident without first contacting the agency's human resources representative or the Employment Law Section of the City Attorney's Office for guidance regarding any investigative steps that may need to be conducted.
- d) Impose discipline for any violations of the Executive Order, the Career Service Rules, or other City or agency policies, up to and including dismissal.

- e) If an employee is the subject of a restraining order, or is arrested or charged with a crime of violence, including domestic or family violence, the supervisor should notify the employee of his/her responsibility 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.
- f) If domestic violence counseling is required as a part of any disciplinary actions, the treatment provider must be state approved to provide domestic violence counseling. The Domestic Violence Offender Management Board website provides an up-to-date list of state-approved domestic violence treatment providers.
- g) Always maintain that there is no excuse for violence.
- h) Document all instructions given to the employee and all actions taken with regard to the potential violation of this Executive Order.

MEMORANDUM NO. 112B

TO: All Departments and Agencies Under the Mayor
FROM: Michael B. Hancock, Mayor
DATE: July 23, 2018
SUBJECT: Employee Responsibilities Under the Executive Order:

This Memorandum shall be attached to and become a part of Executive Order No. 112 dated, July 23, 2018 subject "Violence in the City Workplace."

1.0 Employee Responsibility – When an Incident of Workplace Violence Occurs or is Imminent - Emergency Situation:

Every employee who is aware of or learns that an act of violence or violation of this Executive Order is occurring or about to occur in the workplace is responsible for the following immediate steps:

- a) Call 9-1-1 if there is an immediate emergency. Do not try to physically intervene unless reasonably necessary to protect someone from imminent death or bodily injury. Make every attempt to remove yourself from the dangerous situation as quickly as possible.
- b) If possible, immediately call 9-1-1 and notify a supervisor and/or building security.
- c) If possible, notify other personnel who may be in direct or indirect danger.

2.0 Employee Responsibility – When Violence or Other Violation of this Executive Order in the Workplace Occurs or is Threatened in a Non-Emergency Situation:

Every employee who is aware of or learns that an act of violence or violation of this Executive Order has occurred or been threatened that is not reasonably believed to present an emergency situation is responsible for the following:

- a) Promptly notify his/her supervisor or other agency manager, the agency's safety coordinator or a human resources representative.
- b) Cooperate in any investigation that may be undertaken.
- c) Respect the privacy of co-workers and others involved in a violence incident.

- d) Promptly report to his/her immediate supervisor if the employee learns or suspects that a co-worker is the subject of a restraining order or has been charged with a crime, or otherwise has any pending criminal charges against him or her.

3.0 Employee Responsibility - If an Employee Learns or Suspects that a Co-Worker is being Abused Outside of the Workplace:

Every employee who learns or suspects that another employee is being abused outside of the workplace is responsible for the following:

- a) Notify a supervisor or a human resources representative of your concerns or talk to the co-worker directly and, if appropriate, suggest s/he speak to a supervisor or manager, a human resources representative, the City's employee assistance provider (currently Guidance Resources), the City Attorney's Victim Resource Program, the Rose Adom Center (a facility dedicated to assisting victims of domestic violence), or the Denver Police Department's Victim's Assistance Unit (or other appropriate local law enforcement agency) for assistance and guidance. Below is the current contact information for the resources identified above:

Guidance Resources: **877-327-3854**

City Attorney's Victim Resource Program: **720-913-8020**

Rose Adom Center: **720-337-4400**

DPD's Victim's Assistance Unit: **720-913-6035**

- b) If the co-worker denies being abused, or acknowledges being abused but declines to report the abuse or speak with the resources identified above, consider reporting your concerns and the co-worker's response to a supervisor or a human resources representative. Do not exert pressure on the co-worker to acknowledge the abuse or identify the perpetrator.
- c) If the co-worker reports that the perpetrator may try to harm him or her at work or may harm other employees, family members, or other individuals, report this information immediately to a supervisor or human resources representative.

4.0 Employee Responsibility – If the Employee is a Victim or Alleged Perpetrator of Violence or Abuse, or is the Subject of a Protective Order or is Charged with a Crime of Violence.

- a) An employee who is a victim of violence in the workplace or of domestic or family violence is encouraged to report the incident or abuse to his/her supervisor or a human resources representative. An employee who obtains a protective order against another employee is required to report such information to his/her supervisor or a human resources representative. An employee who obtains a

protective order against a person who is not a City employee is encouraged to report such information to his/her supervisor, the agency's safety officer, or a human resources representative.

- b) An employee who is the subject of a Protective Order must report such information to his/her immediate supervisor as soon as possible, but no later than three (3) calendar days after the employee is first notified of the Protective Order. The employee must also keep his/her immediate supervisor apprised of the status of the Protective Order and all related court proceedings. An employee who is the subject of a Protective Order issued on behalf of another City employee must abide by all restrictions that may be put in place to prevent any intentional or unintentional violations of the Protective Order from occurring in the workplace
- c) An employee who is charged with a crime of violence, including a crime of domestic or family violence, must report such information to his/her immediate supervisor as soon as possible, but no later than three (3) calendar days after the date of arrest. The employee must also keep his/her immediate supervisor apprised of the status of the criminal case, including advanced notice of court proceedings that the employee is required to or may attend.