

Policy

It is the policy and commitment of the California Department of Food and Agriculture (CDFA) that all CDFA employees should enjoy a safe and secure work environment. In keeping with this commitment, CDFA has a zero-tolerance policy for violence, threats, hostility resulting from intimidation, and bullying in the workplace. Any statement or acts by any person which, directly or indirectly, threatens, makes reference to, or implies, physical harm or violent acts by any employee, contracted employee, client, public person or vendor will not be tolerated.

It is the policy of CDFA that no employee may bring or possess firearms or other weapons within any state or local public building or property, or onto any property on which official business of CDFA is being conducted.

This policy is intended to protect all CDFA employees, contracted employees, clients, vendors, and any other individuals CDFA employees come in contact with in the course of their duties or as a result of their employment.

Authority

Labor Code Section 6400, 6401

California Government Code Sections 19572, 12950.1(b)

California Penal Code Sections 71,171(b), 12020

Definitions

<i>Abusive Conduct</i>	Conduct carried out with malice that a reasonable person would find hostile and/or offensive. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, or epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person.
<i>Bullying</i>	Malicious acts of repeated, aggressive behavior intended to physically or mentally hurt another person.
<i>Hostility</i>	Acts characterized by aggression and maliciousness resulting in intimidation and an unpleasant environment.
<i>Malice</i>	Conduct which is intended to cause injury or despicable conduct which is carried on with a willful and conscious disregard to the rights or safety of others.

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<i>Passive Aggression</i>	An indirect, deliberate and usually habitual pattern of expressing hostility toward others.
<i>Protected Activity</i>	For the purpose of this policy, protected activities include opposing bullying or other hostile practices, filing a complaint, testifying, assisting, or participating in any manner in an EEO investigation, proceeding, or hearing.
<i>Retaliation</i>	An adverse employment action against an individual for engaging in a protected activity. There must be a causal link between the adverse employment action and the protected activity.
<i>Threat of Violence</i>	A declaration or action expressing the intention to inflict harm.
<i>Violence</i>	Exertion of physical force so as to injure or abuse. Intense, turbulent, furious or destructive action or force.
<i>Weapon(s)</i>	Firearms (loaded or unloaded), explosive devices, knives with blades exceeding four inches, billy clubs, metal knuckles, tear gas, receptacles containing illegal chemical substances, and any other item that may be considered an object or instrument which can be used to threaten or cause harm.
<i>Zero-Tolerance</i>	Refusal to accept antisocial behavior by strict and uncompromising application of this Policy.

Responsibility

<i>CDFA</i>	Ensure the work environment is safe and secure for all CDFA employees.
<i>Equal Employment Opportunity (EEO) Office</i>	Distribute and maintain a written policy which informs CDFA personnel of CDFA's commitment to providing a safe workplace free from violence. Consult, assess and/or investigate all reported threats and acts of violence. Oversee CDFA's Violence in the Workplace Prevention Training Program.
<i>Human Resources Branch (HRB)</i>	Assist supervisors, managers, and Chief Executive Officers (CEOs) with any forms of adverse action as a result of a workplace violence incident. Assist with any injuries that occur on the job as a result of a workplace violence

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	incident.
<i>Departmental Services Branch</i>	<p>Provide onsite security personnel at Headquarters and Gateway Oaks buildings.</p> <p>Provide guidance to satellite locations.</p>
<i>Health and Safety Office</i>	<p>Consult and advise CDFA management on safety related laws, rules and regulations.</p> <p>Process reports on all workplace injuries and file official notices as required by law.</p>
<i>Supervisors, Managers, and CEO's</i>	<p>Ensure the work environment is free from hostility and bullying and take immediate action to stop these behaviors when brought to their attention.</p> <p>Complete Violence in the Workplace training every two years.</p> <p>Ensure employees receive the appropriate training and encourage open communication.</p> <p>Notify the EEO Office of incidents of workplace violence, hostility or bullying and assist in conducting the initial investigations of reported incidents.</p> <p>Forward a completed Violence/Threat/Bullying Incident Report (SO-129) to the EEO Office immediately following a report of a threat or act of violence.</p> <p>Complete an SO-129 on behalf of an employee if that employee does not wish to file on their own.</p> <p>Investigate minor incidents as requested by the EEO Office and report back any and all findings.</p> <p>Shall work with HRB to determine a proper level of disciplinary action as a result of the findings of a workplace violence investigation.</p> <p>If stationed in a field office outside of Sacramento, work with the Departmental Services Branch to determine the need for building security, and establish procedures to provide access for emergency response personnel to the facility.</p> <p>CEO's or their designee shall provide direction to DAA staff to allow access to fairgrounds facilities.</p>
<i>Employees</i>	<p>Conduct themselves in a professional, courteous, and responsible manner.</p>

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Review this policy annually and submit the signed notice to their supervisor.

Adhere to the requirements of this policy and complete formal Violence In the Workplace training every two years.

Report any and all statements, threats, or acts of violence to CDFA management or directly to the EEO Office.

Cooperate fully, honestly, and in good faith in any investigation or follow-up activity.

Inform the EEO Office, supervisors, managers, and CEO's as needed about restraining orders and any other protective court orders related to domestic situations where the staff at CDFA may be impacted so that assistance can be offered.

Violence, Threats, Hostility, and Bullying Prohibition

The prohibition against any acts of workplace violence applies to all persons involved in CDFA operations, including, but not limited to, CDFA staff, DAA staff, board members, contracted, temporary, voluntary, members of the public or visitors on CDFA property who may come into contact with CDFA employees.

Situations subject to this policy include, but are not limited to:

- All threats, hostility, bullying, or acts of violence occurring on CDFA/DAA property regardless of the relationship between CDFA and the parties involved in the incident.
- All threats, hostility, bullying, or acts of violence occurring off CDFA/DAA property involving someone who is acting as a representative of CDFA.
- All threats, hostility, bullying, or acts of violence occurring off CDFA/DAA property involving an employee of CDFA if the threats or acts have a connection to CDFA or its interests.
- All threats, hostility, bullying, or acts of violence resulting in the conviction of an employee, DAA staff, or agent of CDFA or individual performing services for CDFA on a contract or temporary basis under any criminal code relating to an action prohibited in this policy, which has a connection to CDFA or its interests.

Specific examples of conduct that may be considered threats, hostility, bullying, or acts of violence may include, but are not limited to:

- Deliberately hitting or shoving an individual.
- Violent physical, verbal, or written expressions which may cause a

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- reasonable person to fear physical harm.
- Physical, verbal, or written expressions which may cause a reasonable person to perceive or fear physical or mental harm.
- Physical, verbal, or written expressions that have the intention to frighten, alarm, or intimidate.
- Harassing surveillance or stalking.
- Harassing or threatening phone calls, texts, emails or other manner of electronic contact.
- Threats to do harm to another employee or member of the public that are made in either a direct or indirect manner.
- Deliberately tampering or sabotaging another employee's work.
- Deliberately destroying or damaging another employee's or CDFA/DAA's property.
- Passive aggression, including malicious gossip, purposeful inefficiency, and deliberately ignoring someone.

Reporting Emergencies

In the event of a workplace violence emergency:

- Get to a safe location, out of harm's way.
- Notify the California Highway Patrol (CHP) – Dial 911.
- Notify your immediate supervisor or second-line supervisor of the incident who will inform Departmental Services and building security (if applicable) that CHP are on route to the building. DAA's should notify the CEO or Deputy Manager who must notify the CDFA Health and Safety Officer.
- The employee who reported the incident must complete an [SO-129](#) and submit it to their supervisor.
- Supervisors, managers, and CEO's are required to complete the necessary forms to report the incident ([Guide to Accident and Crime Reporting](#)).

Reporting Non-Emergencies

- Notify the immediate or second-line supervisor.
- The employee who reported the incident must complete an [SO-129](#) and submit it to their supervisor.

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Investigations

The supervisors, managers, or CEO's must review and forward the completed Form SO-129 to the EEO Office via email, fax, or in a sealed envelope marked CONFIDENTIAL.

The EEO Officer and/or designee will take immediate action and conduct the initial investigation with the assistance of the supervisor who received the report. If further action is required, the EEO Officer and/or designee will meet with an assessment team which may include the CEO and/or designee, Human Resources Branch Staff, Departmental Services Branch Chief, Fairs and Expositions Branch Chief, Marketing Division Director and the Legal Office.

If no further action is necessary, the EEO Officer will confirm that the allegations were appropriately investigated and indicate if any violation of CDFA policy has occurred in a memorandum to the supervisor. Management will then take appropriate action.

Any CDFA employee who is identified in an investigation and is notified that the EEO Office wishes to interview them is expected to participate in that investigation and must do so in good faith. If an employee refuses to participate in the investigative process, they may be compelled to participate or be subject to disciplinary action.

Retaliation Prohibition

Retaliation against a person for engaging in a protected activity is unlawful and will not be tolerated. Protected activities include opposing discriminatory practices, filing a complaint, testifying, assisting, or participating in any manner in an EEO investigation, proceeding, or hearing. These prohibitions apply to all employees, supervisors, managers, CEOs and those against whom complaints are filed.

Appropriate disciplinary action will be taken against anyone determined to have retaliated against a person for engaging in a protected activity.

Disciplinary Actions

Statements or actions of a violent, threatening, or hostile nature by employees to or against any person are a cause for disciplinary action, and may result in adverse action up to and including dismissal. Accordingly, any threat of violence, subtle or direct, must always be reported, documented and investigated. As appropriate, law enforcement agencies may be contacted for guidance, assistance and investigation.

If any CDFA employee refuses to participate in, or impedes an investigation in any way, he/she be compelled to participate or be subject to disciplinary action.

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Restraining Orders

An employee who applies for and receives a temporary or full restraining order (Order) in which a CDFA or DAA worksite is identified should provide a copy of the Order, a photograph of the restrained person, and a completed SO-129 to the EEO Office. Copies are kept on file within the EEO Office, DAA management and/or with the Departmental Services Branch Chief. The EEO Office will inform the CHP office nearest to the employee's worksite and assist in complying with the Order.

A copy of the Order must also be kept on file with the CHP. The CHP has requested that employees who receive an Order at the 1220 N Street location, hand deliver a copy to its office in the State Capitol. If the restrained person violates the Order, CHP will be notified immediately.

An employee who receives an Order should consult with the EEO Office to discuss personal safety, and if appropriate, changing the employee's card-key access.

All documents relating to the Order will be held as confidential. Once the period identified in the order has expired, all copies of the document will be destroyed.

Employee Assistance Program

The Employee Assistance Program (EAP) is available as a resource for employees who desire counseling for stress, interpersonal conflicts, legal issues, and/or concerns which have arisen due to workplace violence and bullying incidents.

For information about the EAP program you may contact the EEO Office or reach out to them directly:

- Phone: 866-327-4762.
- Telecommunications Device for the Deaf (TDD) Callers: 800-327-0801.
- Website: www.eap.calhr.ca.gov

Distribution

Distribution of the above policy/procedure includes all employees.

Any employee, supervisor, manager, DAA staff, CEO or Board member seeking advice, guidance or consultation regarding any incident of workplace violence may contact CDFA's EEO Office at (916) 654-1005.

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**THIS POLICY SERVES AS NOTICE TO EMPLOYEES OF THE
CDFA/DAA'S VIOLENCE, THREATS OF VIOLENCE, HOSTILITY, AND
BULLYING POLICY**

I hereby certify I have read and understand CDFA/DAA's Violence, Threats of Violence, Hostility, and Bullying Policy and I am aware of the provisions and consequences for violating this policy.

Employee Name

Employee Signature

Date

Supervisor's Name

Supervisor's Signature

Date

Division/Branch/DAA

Retain in the employee's file until superseded.

cc: Employee