

Policy

The California Department of Food and Agriculture, District Agricultural Associations (DAAs), and related Boards, Councils, and Commissions (herein collectively referred to as the Department) are committed to providing a safe and secure work environment. In keeping with this commitment, the Department has a zero-tolerance policy for violence, threats, hostility resulting from intimidation, abusive conduct, and bullying in the workplace. Any statement or acts by any person which, directly or indirectly, threatens, makes reference to, or implies, physical harm, violent acts, or illegal use of weapons by any employee, contracted employee, client, public person or vendor will not be tolerated.

All persons involved in Department activities, including, but not limited to, Department staff, board members, contracted, temporary, and voluntary employees, unpaid interns, members of the public, applicants for employment, or visitors on Department property who may come into contact with Department employees, are expected to adhere to the expectations set forth in this policy.

It is the policy of the Department that possessing firearms or other weapons within any state or local public building or property, or onto any property on which official business of the Department is being conducted is strictly prohibited. Exemptions to this provision apply to peace officers and to certain events held by the DAAs.

This policy is intended to protect all Department employees, contracted employees, clients, vendors, and any other individuals who come into contact with Department employees during 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](#), [16000-34370](#)

Definitions

Abusive Conduct

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.

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| <i>Bullying</i> | Malicious acts of repeated, aggressive behavior intended to physically or mentally hurt another person or, single egregious acts of aggressive behavior. |
| <i>Harassment</i> | Continuous unwelcome, disrespectful, or unprofessional conduct. |
| <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 which is carried out with a willful and conscious disregard for the rights or safety of others. |
| <i>Obligated Reporter</i> | A person who, because of their status as a “supervisor”, is expected to report any suspicion or actual complaints of violence, threats, hostility, bullying, abusive conduct, or weapons possession. |
| <i>Passive Aggression</i> | Apparently compliant behavior, with built-in obstructive or stubborn qualities, to cover deeply felt aggressive feelings that cannot be more directly expressed. |
| <i>Prima Facie</i> | Sufficient corroborating evidence accepted as correct until proven otherwise. |
| <i>Protected Activity</i> | Protected activities include opposing bullying or other hostile practices, filing a complaint, testifying, assisting, or participating in any manner in an Office of Civil Rights (OCR) 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>Supervisor</i> | Any person who, in the course of their work activities, has the discretion and authority to hire, transfer, promote, assign, reward, discipline, or terminate employees or can recommend these actions, act on employee grievances, recommend action on grievances, or has the authority to direct an employee’s daily work, regardless of their Civil Service classification. This includes people in supervisory or managerial classifications, as well as board members, board chairs or presidents, and office or field leads. |
| <i>Threat of Violence</i> | A declaration or action expressing the intention to inflict harm. |

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| <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 potential violations of this policy by addressing any and all allegations with the appropriate response from Department management, the OCR, and the Human Resources Branch (HRB). |

Responsibility

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| <i>Department</i> | Divisions and programs ensure the work environment is safe and secure for all Department employees. |
| <i>Office of Civil Rights (OCR)</i> | Distribute and maintain a written policy which informs Department personnel of the Department's commitment to providing a safe workplace free from violence. Consult, assess, and/or investigate all reported threats, acts of violence, abusive conduct, hostility, and bullying. Administer the Department's Workplace Violence, Threats, and Bullying Prevention training program. |
| <i>Human Resources Branch (HRB)</i> | Assist supervisors, managers, and Chief Executive Officers (CEOs) with any forms of disciplinary action related to violations of this policy. Assist with any injuries that occur on the job as a result of a workplace violence incident. |
| <i>Departmental Services Branch (DSB)</i> | Provide onsite security personnel at the Department headquarters in Sacramento. Provide security guidance to satellite locations. |
| <i>Health and Safety Office</i> | Consult and advise Department management on safety-related laws, rules and regulations. Process reports on all workplace injuries and file official notices as required by law. |
| <i>Supervisors,</i> | Ensure the work environment is free from hostility and |

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Managers, and CEO's

bullying and take immediate action to stop these behaviors when brought to their attention.

Ensure employees receive the appropriate training and encourage open communication.

As an obligated reporter, notify the OCR of incidents of workplace violence, hostility, bullying, abusive conduct and weapons possession.

Forward a completed Violence/Threat/Bullying Incident Report ([SO-129](#)) to the OCR immediately following a report of violence, threats, abusive conduct, hostility or bullying.

Complete an [SO-129](#) on behalf of an employee if that employee does not wish to file on their own.

Investigate minor incidents only as requested by the OCR and report back any and all findings.

Work with HRB to determine a proper level of disciplinary action as a result of the findings of a workplace violence investigation.

If stationed in a field office outside of Sacramento, work with DSB to determine the need for building security and establish procedures to provide access for emergency response personnel to the facility.

Employees

Conduct themselves in a professional, courteous, and responsible manner.

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

Adhere to the requirements of this policy and complete the Workplace Violence, Threats, and Bullying Prevention training program every two years.

Report any and all allegations of workplace violence, hostility, bullying, abusive conduct and weapons possession to Department management or directly to the OCR.

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

Inform the OCR, supervisors, managers, and CEOs as needed about restraining orders and any other protective court orders related to domestic situations where the staff may be impacted so that assistance can be offered.

Violence, Threats, Hostility, Bullying, and Abusive Conduct Prohibition

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

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

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

Specific examples of conduct that may be considered threats, hostility, bullying, abusive conduct 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 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.

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- Deliberately tampering or sabotaging another employee's work.
- Deliberately destroying or damaging property belonging to another employee or the Department.
- Passive aggression, including malicious gossip, purposeful inefficiency, and deliberately ignoring someone.

Reporting Emergencies

In the event of a workplace violence emergency such as active violence, threats of violence, or illegal weapons possession:

- 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 DSB and building security (if applicable) that CHP are enroute to the location. DAAs should notify the CEO or Deputy Manager who must notify the Department's Health and Safety Officer.
- The employee who reported the incident must submit a completed [SO-129](#) to their supervisor.
- Supervisors, managers, and CEOs are required to complete the necessary forms to report the incident ([Guide to Accident and Crime Reporting](#)).

Non-Emergency Internal Complaint/Reporting Process

The Department's Workplace Violence, Threats, and Bullying complaint process provides any person involved in Department business the opportunity to raise allegations related to non-violent threats, hostility, abusive conduct, bullying, and weapons possession and to seek resolution of their complaint. Complaints will be resolved at the lowest organizational level possible while assuring that the process provides for timely, thorough, and impartial review of the allegations without fear of reprisal or retaliation.

The following options are available to resolve a complaint:

- Tell the individual engaging in the inappropriate conduct to stop.
- Report the conduct to the immediate supervisor or any other supervisor if the employee's immediate supervisor is unavailable to resolve the complaint.
- Complete an [SO-129](#) and submit to either a supervisor and/or manager, or directly to the OCR at:

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- Civil_rights@cdfa.ca.gov or
 - Office of Civil Rights
1220 N Street, Suite 115
Sacramento, CA 95814
- Include enough evidence with the complaint to raise the inference that the allegations are true (*prima facie*). A prima facie case alleging actions that violate this policy must be established before an investigation is initiated.
 - If a complaint form is not immediately available, contact the OCR at:
 - Civil_rights@cdfa.ca.gov or
 - (916) 654-1005

If a supervisor, manager, or CEO receives a completed SO-129, they must review and forward it to the OCR via email or in a sealed envelope marked “CONFIDENTIAL.”

Should a complaint meet the prima facie standard to investigate, the OCR will proceed with an investigation. For complaints that do not meet the standard to investigate or that can be addressed without an investigation, the OCR will coordinate with the appropriate parties to determine if a policy has been violated or to find a resolution.

Investigations

Upon receipt of a complaint that requires an investigation, the OCR will take immediate action to conduct an investigation. Investigations typically consist of interviews with the Complainant, Respondent, and appropriate witnesses, review of relevant documents or other evidence, and the writing of an investigative analysis. This analysis is confidential and is only shared with decision makers who have a need to know. Complainants and Respondents will receive a letter detailing the findings of the allegations at the conclusion of the investigation.

Any Department employee who is identified in an investigation and is notified that the OCR 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 subject to disciplinary action.

OCR investigations and inquiries are confidential to the extent reasonable. If interviewed by the OCR, the interviewee is not to discuss the interview or information relative to the investigation with anyone other than the investigator or other individual authorized by the OCR, such as a union representative or personal attorney, while the investigation is ongoing. Failure to maintain confidentiality may compromise the investigation and may result in disciplinary action.

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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 OCR 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

Violations of the prohibitions detailed in this policy by employees, 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. When appropriate, law enforcement agencies may be contacted for guidance, assistance, and investigation.

Restraining Orders

An employee who applies for and receives a temporary or full restraining order (Order) in which a Department worksite is identified should provide a copy of the Order, a photograph of the restrained person, and a completed [SO-129](#) to the OCR. Copies are kept on file within the OCR, Department management and/or with the DSB Branch Chief. The OCR 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 OCR 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 civil service 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 OCR or reach out to the EAP directly:

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- 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, CEO or Board member seeking advice, guidance, or consultation regarding any incident of workplace violence may contact the OCR at (916) 654-1005 or civil_rights@cdfa.ca.gov.

Workplace Violence, Threats, and Bullying Prevention

THIS POLICY SERVES AS NOTICE TO EMPLOYEES OF THE DEPARTMENT'S WORKPLACE VIOLENCE, THREATS, AND BULLYING PREVENTION POLICY

I hereby certify I have read and understand the Department's Workplace Violence, Threats, and Bullying Prevention 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