

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM
3.4
(ID # 10958)

MEETING DATE:

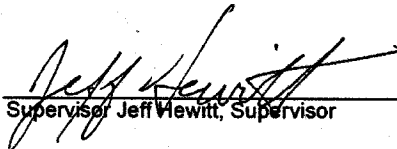
Tuesday, September 24, 2019

FROM : SUPERVISOR KAREN SPIEGEL AND SUPERVISOR JEFF HEWITT :

SUBJECT: SUPERVISOR KAREN SPIEGEL AND SUPERVISOR JEFF HEWITT: Response of
Grand Jury Ad Hoc Committee

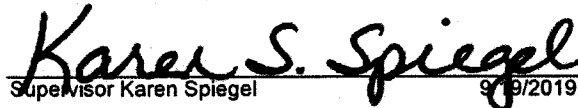
RECOMMENDED MOTION: That the Board of Supervisors receive and file the attached report
of the Grand Jury Ad Hoc Committee as it relates to the 2018-2019 Grand Jury Report on
Riverside County Human Resources and Office of Riverside County Counsel.

ACTION:



Supervisor Jeff Hewitt, Supervisor

9/19/2019



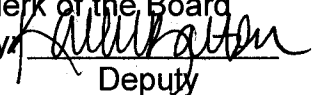
Supervisor Karen Spiegel

9/19/2019

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Hewitt, seconded by Supervisor Spiegel and duly carried by
unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: September 24, 2019
xc: Supvr. Spiegel, Supvr. Hewitt

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

BACKGROUND: On July 2, 2019 the Board of Supervisors appointed Supervisors Karen Spiegel and Jeff Hewitt to an Ad Hoc Committee to review the Grand Jury Report on Riverside County Human Resources and the Office of the Riverside County Counsel. It was requested that the Ad Hoc Committee submit a response to the full board within 90 days.

Ad Hoc Committee Report

2018-2019 Grand Jury Report Riverside County Human Resources and Office of Riverside County Counsel

Introduction

On July 2, 2019, the Board of Supervisors appointed Supervisors Karen Spiegel and Jeff Hewitt to an Ad Hoc Committee to review the Grand Jury Report on Riverside County Human Resources and the Office of Riverside County Counsel. It was requested that the Ad Hoc Committee submit a response to the full Board within 90 days. Responses to the Grand Jury Report from Riverside County Human Resources and the Office of Riverside County Counsel are being submitted by the departments through a separate Form 11.

Inquiry

The Ad Hoc Committee interviewed Greg Priamos, Riverside County Counsel, and Brenda Diederichs, Assistant CEO/Human Resources, several former and current County Counsel employees and managers, as well as multiple department heads that are high utilizers of the Riverside County Counsel's Office.

As indicated in the Grand Jury's Report, numerous employees, managers and directors were interviewed. It should be noted that the Greg Priamos, the Riverside County Counsel was not interviewed by the Grand Jury; nor were any current employees or managers from the department. The Grand Jury failed to interview the Riverside County Counsel (a subject of the report) as required by Penal Code Section 933.05 which states that "during an investigation the Grand Jury shall meet with the subject of the investigation regarding the investigation..."

In regard to the interviews of former and current Riverside County Counsel employees who were contacted by the Ad Hoc Committee, the responses were all similar. Despite policy changes, such as cross training and staff rotation based on a needs assessment, the opinion of those in the office described the Riverside County Counsel as "firm, but fair". Upon being appointed to the position of County Counsel Mr. Priamos had meetings with each and every employee where he laid out his expectations for the

office. Some of the long term employees indicated that office leadership had been lacking and that problem employees were not dealt with. To the relief of those interviewed, the current County Counsel was finally holding poor performing employees accountable.

The Ad Hoc Committee reached out to department heads who are high utilizers of the Riverside County Counsel's Office. The committee found that there has been significant improvement in the services provided and that the Office of Riverside County Counsel and that Greg Priamos, provides "meaningful advice" and offers "solutions" to ensure that departments are performing in a legal and ethical way.

The Grand Jury report addressed multiple concerns relating to: constructive discharges used to force out individuals over the age of 40; abusive management and retaliatory behavior; performance evaluation; abuse of the Whistle Blower Law; access to personnel files and punitive disciplinary action. Federal and State laws, County ordinances and association (union) representation avail every employee protection against behaviors accused in the Grand Jury Report including, but not limited to:

Constructive Discharge:

If an employee believes he/she is being constructively discharged from his/her position because they are part of a protected category, such as age, an employee may file externally with the Equal Employment Opportunity Commission (EEOC) and/or the Department of Fair Employment and Housing (DFEH) or internally with a complaint pursuant to Board Policy C-25, Non-Discrimination and Anti-Harassment Policy.

Abusive Management and Retaliatory Behavior:

An employee who believes a county manager to be abusing his/her power or is believed to be retaliating against a subordinate employee, may file a complaint pursuant to Board Policy C-35 Standards of Ethical Conduct to Address Fraud, Waste, and Abuse. This complaint may be filed anonymously through the hotline or by submitting the complaint directly to the HR Department. These individuals may also file a complaint pursuant to Board Policy C-25, Non-Discrimination and Anti-Harassment Policy or Board Policy C-27, Workplace Violence, Threats and Securities, when applicable.

Performance Evaluation:

If an employee is unsatisfied with an overall "below performance" evaluation or is placed on a Performance Improvement Plan (PIP), the employee may file a grievance with the Employee Relations Division. Such individuals may also file an EEOC and/or DFEH

complaint and/or C-25 complaint, if the employee believes he/she is being discriminated against based on a protected category.

Abuse of the Whistle Blower Law:

If an employee who reports abusive actions and/or other departures from ethical behavior and is retaliated against for reporting such conduct, may file a complaint directly with the HR Department. The individual may also file a complaint with the Department of Labor for failure to comply with California Labor Code Section 1102.5.

Access to Personnel Files:

Where an employee is denied the ability to examine materials and other documents kept in their official personnel file, the individual may file a complaint directly with the HR Department. The individual may also file a complaint with the Department of Labor for failure to comply with California Labor Code Section 1198.5.

Punitive Disciplinary Action:

Many disciplinary actions are appealable under the terms of the applicable MOU/Resolution. An employee who feels they have received punitive disciplinary action can file an appeal (as applicable) to challenge the discipline in accordance with those appeal processes.

Findings

Human Resources:

The Ad Hoc Committee has found that the findings relating to Human Resources are either not substantiated or have been remedied as of the date of this report.

Upon the hiring of the new Human Resources Director in 2018 the Board of Supervisors instructed the department to reevaluate many policies and procedures, which included evaluations and exit interviews. Further, it has been reported to the Executive Office and the Board of Supervisors that the overall rate of return for evaluations of county employees is near 80 percent and rising. The Board of Supervisors and Department Heads have experienced substantial improvement in the services provided by Human Resources.

County Counsel:

The Ad Hoc Committee has found that there is no evidence to concur with the findings in the Grand Jury Report as it relates to the Office of Riverside County Counsel.

The committee was concerned by the lack of due diligence and the failure to interview those involved in this report and believe this shows a reckless disregard for the reputation of our current employees and employment law in California. Due to the nature of the business conducted at the County Counsel's Office, it is reasonable to assume that the employees referenced in this report would intimately know the appropriate recourse available to them for these purported allegations. This would include Federal and State laws, County ordinances and association (union) representation.

Further, the Ad Hoc Committee does not believe that the Grand Jury or the Board of Supervisors are the appropriate forums to address these employment concerns as they are not an investigative body with expertise in employment related investigations.



LABOR CODE - LAB

DIVISION 2. EMPLOYMENT REGULATION AND SUPERVISION [200 - 2699.5] (*Division 2 enacted by Stats. 1937, Ch. 90.*)

PART 4. EMPLOYEES [1171 - 1408] (*Heading of Part 4 amended by Stats. 1972, Ch. 1122.*)

CHAPTER 1. Wages, Hours and Working Conditions [1171 - 1206] (*Chapter 1 enacted by Stats. 1937, Ch. 90.*)

1198.5. (a) Every current and former employee, or his or her representative, has the right to inspect and receive a copy of the personnel records that the employer maintains relating to the employee's performance or to any grievance concerning the employee.

(b) (1) The employer shall make the contents of those personnel records available for inspection to the current or former employee, or his or her representative, at reasonable intervals and at reasonable times, but not later than 30 calendar days from the date the employer receives a written request, unless the current or former employee, or his or her representative, and the employer agree in writing to a date beyond 30 calendar days to inspect the records, and the agreed-upon date does not exceed 35 calendar days from the employer's receipt of the written request. Upon a written request from a current or former employee, or his or her representative, the employer shall also provide a copy of the personnel records, at a charge not to exceed the actual cost of reproduction, not later than 30 calendar days from the date the employer receives the request, unless the current or former employee, or his or her representative, and the employer agree in writing to a date beyond 30 calendar days to produce a copy of the records, as long as the agreed-upon date does not exceed 35 calendar days from the employer's receipt of the written request. Except as provided in paragraph (2) of subdivision (c), the employer is not required to make those personnel records or a copy thereof available at a time when the employee is actually required to render service to the employer, if the requester is the employee.

(2) (A) For purposes of this section, a request to inspect or receive a copy of personnel records shall be made in either of the following ways:

(i) Written and submitted by the current or former employee or his or her representative.

(ii) Written and submitted by the current or former employee or his or her representative by completing an employer-provided form.

(B) An employer-provided form shall be made available to the employee or his or her representative upon verbal request to the employee's supervisor or, if known to the employee or his or her representative at the time of the request, to the individual the employer designates under this section to receive a verbal request for the form.

(c) The employer shall do all of the following:

(1) With regard to all employees, maintain a copy of each employee's personnel records for a period of not less than three years after termination of employment.

(2) With regard to current employees, make a current employee's personnel records available for inspection, and, if requested by the employee or his or her representative, provide a copy thereof, at the place where the employee reports

to work, or at another location agreeable to the employer and the requester. If the employee is required to inspect or receive a copy at a location other than the place where he or she reports to work, no loss of compensation to the employee is permitted.

(3) (A) With regard to former employees, make a former employee's personnel records available for inspection, and, if requested by the employee or his or her representative, provide a copy thereof, at the location where the employer stores the records, unless the parties mutually agree in writing to a different location. A former employee may receive a copy by mail if he or she reimburses the employer for actual postal expenses.

(B) (i) Notwithstanding subparagraph (A), if a former employee seeking to inspect his or her personnel records was terminated for a violation of law, or an employment-related policy, involving harassment or workplace violence, the employer may comply with the request by doing one of the following:

(I) Making the personnel records available to the former employee for inspection at a location other than the workplace that is within a reasonable driving distance of the former employee's residence.

(II) Providing a copy of the personnel records by mail.

(ii) Nothing in this subparagraph shall limit a former employee's right to receive a copy of his or her personnel records.

(d) An employer is required to comply with only one request per year by a former employee to inspect or receive a copy of his or her personnel records.

(e) The employer may take reasonable steps to verify the identity of a current or former employee or his or her authorized representative. For purposes of this section, "representative" means a person authorized in writing by the employee to inspect, or receive a copy of, his or her personnel records.

(f) The employer may designate the person to whom a request is made.

(g) Prior to making records specified in subdivision (a) available for inspection or providing a copy of those records, the employer may redact the name of any nonsupervisory employee contained therein.

(h) The requirements of this section do not apply to:

(1) Records relating to the investigation of a possible criminal offense.

(2) Letters of reference.

(3) Ratings, reports, or records that were:

(A) Obtained prior to the employee's employment.

(B) Prepared by identifiable examination committee members.

(C) Obtained in connection with a promotional examination.

(4) Employees who are subject to the Public Safety Officers Procedural Bill of Rights (Chapter 9.7 (commencing with Section 3300) of Division 4 of Title 1 of the Government Code).

(5) Employees of agencies subject to the Information Practices Act of 1977 (Title 1.8 (commencing with Section 1798) of Part 4 of Division 3 of the Civil Code).

(i) If a public agency has established an independent employee relations board or commission, an employee shall first seek relief regarding any matter or dispute relating to this section from that board or commission before pursuing any available judicial remedy.

(j) In enacting this section, it is the intent of the Legislature to establish minimum standards for the inspection and the receipt of a copy of personnel records by employees. Nothing in this section shall be construed to prevent the

establishment of additional rules for the inspection and the receipt of a copy of personnel records that are established as the result of agreements between an employer and a recognized employee organization.

(k) If an employer fails to permit a current or former employee, or his or her representative, to inspect or copy personnel records within the times specified in this section, or times agreed to by mutual agreement as provided in this section, the current or former employee or the Labor Commissioner may recover a penalty of seven hundred fifty dollars (\$750) from the employer.

(l) A current or former employee may also bring an action for injunctive relief to obtain compliance with this section, and may recover costs and reasonable attorney's fees in such an action.

(m) Notwithstanding Section 1199, a violation of this section is an infraction. Impossibility of performance, not caused by or resulting from a violation of law, may be asserted as an affirmative defense by an employer in any action alleging a violation of this section.

(n) If an employee or former employee files a lawsuit that relates to a personnel matter against his or her employer or former employer, the right of the employee, former employee, or his or her representative to inspect or copy personnel records under this section ceases during the pendency of the lawsuit in the court with original jurisdiction.

(o) For purposes of this section, a lawsuit "relates to a personnel matter" if a current or former employee's personnel records are relevant to the lawsuit.

(p) An employer is not required to comply with more than 50 requests under this section to inspect and receive a copy of personnel records filed by a representative or representatives of employees in one calendar month.

(q) This section does not apply to an employee covered by a valid collective bargaining agreement if the agreement expressly provides for all of the following:

- (1) The wages, hours of work, and working conditions of employees.
- (2) A procedure for the inspection and copying of personnel records.
- (3) Premium wage rates for all overtime hours worked.
- (4) A regular rate of pay of not less than 30 percent more than the state minimum wage rate.

(Amended by Stats. 2012, Ch. 842, Sec. 2. (AB 2674) Effective January 1, 2013.)

**LABOR CODE - LAB****DIVISION 2. EMPLOYMENT REGULATION AND SUPERVISION [200 - 2699.5]** (*Division 2 enacted by Stats. 1937, Ch. 90.*)**PART 3. PRIVILEGES AND IMMUNITIES [920 - 1138.5]** (*Part 3 enacted by Stats. 1937, Ch. 90.*)**CHAPTER 5. Political Affiliations [1101 - 1106]** (*Chapter 5 enacted by Stats. 1937, Ch. 90.*)

1102.5. (a) An employer, or any person acting on behalf of the employer, shall not make, adopt, or enforce any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency, to a person with authority over the employee, or to another employee who has authority to investigate, discover, or correct the violation or noncompliance, or from providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties.

(b) An employer, or any person acting on behalf of the employer, shall not retaliate against an employee for disclosing information, or because the employer believes that the employee disclosed or may disclose information, to a government or law enforcement agency, to a person with authority over the employee or another employee who has the authority to investigate, discover, or correct the violation or noncompliance, or for providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties.

(c) An employer, or any person acting on behalf of the employer, shall not retaliate against an employee for refusing to participate in an activity that would result in a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

(d) An employer, or any person acting on behalf of the employer, shall not retaliate against an employee for having exercised his or her rights under subdivision (a), (b), or (c) in any former employment.

(e) A report made by an employee of a government agency to his or her employer is a disclosure of information to a government or law enforcement agency pursuant to subdivisions (a) and (b).

(f) In addition to other penalties, an employer that is a corporation or limited liability company is liable for a civil penalty not exceeding ten thousand dollars (\$10,000) for each violation of this section.

(g) This section does not apply to rules, regulations, or policies that implement, or to actions by employers against employees who violate, the confidentiality of the lawyer-client privilege of Article 3 (commencing with Section 950) of, or the physician-patient privilege of Article 6 (commencing with Section 990) of, Chapter 4 of Division 8 of the Evidence Code, or trade secret information.

(h) An employer, or a person acting on behalf of the employer, shall not retaliate against an employee because the employee is a family member of a person who has, or is perceived to have, engaged in any acts protected by this section.

(i) For purposes of this section, "employer" or "a person acting on behalf of the employer" includes, but is not limited to, a client employer as defined in paragraph (1) of subdivision (a) of Section 2810.3 and an employer listed in subdivision (b) of Section 6400.

(Amended by Stats. 2015, Ch. 792, Sec. 2. (AB 1509) Effective January 1, 2016.)

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
STANDARDS OF ETHICAL CONDUCT TO ADDRESS
FRAUD, WASTE AND ABUSE

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Policy:

In the spirit of sound and ethical governance and consistent with California Government Code §8330-8332 (the Citizen Complaint Act of 1997); §27133(d); §53234-53235.2; and other applicable laws and regulations, the County of Riverside Board of Supervisors believe that the ethical conduct of those in public service is of utmost importance to. This policy is set forth in order to address fraud, waste and abuse in county government and establish reasonable standards of ethical conduct for all county employees and officers. It is the intent of this policy to establish minimum expectations relative to employee and officer behavior and conduct in the execution of their duties as representatives of the county.

1. Scope

This policy applies to all County of Riverside employees and officers, (hereinafter employees). This policy is not intended to be all-inclusive or address every possible eventuality or circumstance. Instead, it is intended to establish reasonable standards and provide guidance relative to the ethical conduct of county employees while fulfilling the expectations of county residents.

2. Interpretation

This policy does not replace the County of Riverside's Code of Ethics as approved by the Board of Supervisors, January 29, 1991. Furthermore, this policy does not supplant any of the County of Riverside's labor contracts or Memoranda of Understanding (MOUs). Should this policy conflict with any law, regulation, or labor contract of which the county or its employees may be subject, that law, regulation, or contract shall take precedence. In the event this policy conflicts with any precedent or past practice of the county, management will resolve that conflict by means consistent with established procedures or practices.

3. Definitions

Fraud, waste and abuse: Any illegal, wasteful, or improper activity involving county assets or resources. It includes theft by means of deception, deceit, or trickery; willful misrepresentation to obtain something of value; and, the extravagant, careless or needless expenditure or consumption of county resources, whether intentional or not.

Fraud: Theft by means of deception, deceit, or trickery. Examples include but are not limited to: Forging or altering a county warrant or check; charging personal expenses to the county; or claiming overtime when not worked.

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Waste: The unnecessary or pointless consumption of resources, time, or labor. Examples include but are not limited to: Using more of something when less will do; performing tasks which do not need to be performed; or maintaining excessive inventories.

Abuse: Misuse of power, authority, or control. Examples include but are not limited to: using one's authority to direct employees to perform non-county related work; causing employees to work overtime without compensation; or using county tools, equipment or assets for non-county business without proper permission.

Additional definitions of terms relating to Fraud, waste and abuse include:

Asset: Anything of value, whether tangible or intangible. Examples include but are not limited to: Cash, tools, fuel, office supplies and time.

Chairman of the Fraud, Waste and Abuse Prevention Committee: A function of the County Auditor-Controller, who in this capacity in conjunction with management from other county departments, is responsible for the enforcement of this policy and the investigation of suspected violations of it, unless said duties are otherwise prescribed by the Board of Supervisors or appropriately delegated.

Code of Ethics: The County of Riverside's Code of Ethics as approved by the Board of Supervisors, January 29, 1991.

Conflict of Interest: Any circumstance in which the interests, duties, obligations, or activities of an employee or an employee's immediate family member are in conflict or incompatible with the interests of the county; the duties and obligations of the employee; or his or her capacity as an employee. Examples include but are not limited to: county employees bidding on county contracts; influencing county policy or activities for personal gain; or disclosing confidential county information to a friend or relative in order to assist them or oneself.

County or The County: The County of Riverside, California.

Employee: Any individual classified by the County's Human Resources Department as a full-time, part-time, seasonal, temporary full-time, temporary part-time or per diem employee or officer of the county.

Gifts: Any payment or item that gives a personal benefit to the recipient to the extent that something of equal or greater value is not received and includes a discount or rebate, unless the discount or rebate is available to all members of the public.

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Immediate Family: A spouse or dependent child of the employee.

Reasonable Person: Any person of average competence and ability to reason.

Third party: Any person or entity other than an employee of the county, or the county itself.

4. Expectations

County employees shall adhere to and uphold the County's Code of Ethics both in practice and in spirit. It is expected that employees act in the public's interest first and not their own. It is further expected that their behavior, both on the job and off, reflects positively on the county, its reputation, and its employees. Pursuant to this policy, an employee's duties and responsibilities include, but are not limited to:

- a. **Duty to protect the reputation of the county:** It is the duty of every employee to uphold and protect the good reputation of the county and his or her fellow workers.
- b. **Duty to obey the law:** It is the responsibility of every employee to obey the law in the execution of his or her duties. Ignorance of the law or a particular regulation may not be considered an excuse for committing a violation or oversight.
- c. **Duty to comply with county policies:** It is the responsibility of every employee to comply with all county policies.
- d. **Conflicts of interest must be avoided:** In the broadest sense of the meaning, no employee shall engage in a behavior which may appear to be or give rise to a conflict of interest between him or herself and that employee's official capacity or duties. Should a conflict of interest arise, the employee involved shall report it in the manner described in section 5 below.
- e. **Disqualification from acting on county business:** An employee shall disqualify him or herself and refuse to act on any matter in which he or she, a member of his or her immediate family, or another employer of the employee has a financial interest.
- f. **Prohibition of certain financial interest or activity:** No employee, regardless of any prior disclosure, who has a material interest, personally or through a member of his or her immediate family, in any business entity doing or seeking to do business with the county shall influence or attempt to influence the selection

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of the business entity or making of a contract between such business entity and the county.

- g. **Solicitation of gifts or loans is prohibited:** No employee shall solicit anything of monetary value (even such things which might be returned or repaid) if it would appear to have been solicited with the intent of obtaining something in return. Nothing shall prohibit contributions or gifts, including political contributions, which are reported in accordance with applicable law or which are accepted on behalf of the county.
- h. **Gifts in excess of the annual gift limitation amount are prohibited:** No employee or family member of an employee shall accept gifts that exceed an aggregate value of the adjusted annual gift limitation amount in accordance with Government Code section 89503 in any twelve (12) consecutive months from an individual or entity that is doing business with the county.
- i. **Improper disclosure of privileged, personal, or confidential information:** No employee shall intentionally disclose privileged, personal, or confidential information for the purpose of damaging the reputation, credibility, or public image of the county, another employee, or any other person. Privileged, personal, or confidential information does not include information which is a matter of public knowledge or which is available to the public on request.
- j. **Improperly using one's county employment:** No employee shall use or permit the use of any county assets for non-county purpose which is for the private benefit of the employee or any other person unless available on equal terms to the general public (such as the use of the library or parks).
- k. **Improper influence:** No employee, except in the course of his or her official duties, shall assist any person in any transaction with the county when such employee's assistance would appear to a reasonable person to be enhanced by that employee's position with the county for their own personal benefit. This subsection shall not apply to any employee appearing on his own behalf or representing himself as to any matter in which he has a proprietary interest, if not otherwise prohibited by law.
- l. **Duty to identify, report, and work to eliminate fraud, waste and abuse:** It is the responsibility and duty of every employee to identify, report, and work to eliminate fraud, waste and abuse at all levels of the county's administration and operations. Employees are encouraged to bring to the attention of management any opportunity to reduce or eliminate fraud, waste and abuse.

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- m. **Duty to cooperate:** It is the duty of every employee to cooperate in an investigation involving a violation or an alleged violation of this policy. Upon the county's request, an employee will participate and fully cooperate in any investigation. This policy does not preclude an employee from exercising his or her Constitutional rights or those afforded to him or her by a county recognized labor contract. However, the exercising of one's rights does not preclude the county from disciplining an employee for his or her failure to participate or cooperate in an investigation if the county may lawfully do so.
- n. **Handling of anonymous complaints or allegations of violations of this policy:** Employees are prohibited from attempting to identify or intentionally exposing the identity of any party making an anonymous report or complaint pursuant to this policy.

5. Reporting

Employees are expected to report all violations or suspected violations of this policy using the established anonymous incident reporting system in a timely and professional manner.

The county recognizes that the reporting party may desire or require anonymity. Thus, anonymous reports or concerns may be reported by any party, at anytime by way of the county's anonymous incident reporting system hosted by a third party provider. Reporting parties may use the anonymous incident reporting system via the Internet by going to <https://www.RivcoFraudHotline.com> or via telephone by calling (800) 461-9330. It is the duty of every employee to report any known violation of this policy or what would appear to a reasonable person to be a violation of this policy. Employees are reminded that they may use the anonymous incident reporting system to report suspected fraud; misuse of county resources by County employees, vendors, or contractors; and significant violations of County policy. Examples of reportable offences include:

- Theft
- Conflicts of interest
- Misuse of County equipments or vehicles
- Embezzlement
- Bribes and kickbacks
- Abuse of work hours
- Inappropriate use of County credit cards or P-Cards

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Personnel issues or complaints (i.e., employee discrimination, favoritism, mistreatment, violence in the workplace, harassment, and safety concerns) should be reported to Human Resources Department.

It is a violation of this policy to retaliate against an employee who makes a report using the county's anonymous incident reporting system under California Labor Code 1102.5 and 1106. The California State Attorney General's Whistleblower Hotline number is (800) 952-5225.

6. Investigation and Enforcement

All violations or alleged violations of the policy will be investigated. As stated above, it is the duty of every employee to cooperate in an investigation involving a violation or an alleged violation of this policy. Upon the request of the county, an employee will participate and fully cooperate in any investigation, whether conducted by the county or its agent(s).

If as a result of a good faith investigation and a resultant reasonable conclusion that a violation of this policy has occurred, the offending employee will be subject to disciplinary action up to and including termination.

7. Acknowledgement

Within 90 days of the Board of Supervisors' approval of this policy, department heads shall have all current employees provide written acknowledgement that they have received and read this policy. All employees hired after the Board of Supervisors' approval of the policy, will be required to provide written acknowledgement that they have received and read this policy at the time of hire. The required acknowledgement form is provided as Attachment 1.

The Failure of an employee to acknowledge this policy (regardless of means) does not absolve that employee of his or her responsibilities pursuant to it, nor does it preclude that employee from being disciplined or terminated for violating it.

Reference:

Minute Order 3.19 of 09/01/09

Minute Order 3.12 of 10/16/12

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STANDARDS OF ETHICAL CONDUCT TO ADDRESS
FRAUD, WASTE AND ABUSE

Policy
Number
C-35

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Attachment 1

**Acknowledgement of County of Riverside Board of Supervisors Policy
Standards of Ethical Conduct to Address Fraud, Waste and Abuse**

I have received a copy of and I am fully aware of the County of Riverside's Standards of Ethical Conduct. I agree to abide by the terms of this policy.

Employee Name: _____

Employee Signature: _____

Date: _____

This form shall be retained in department files.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

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Policy:

It is the policy of Riverside County that there is a zero tolerance standard for all threats and violent behavior in the workplace. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this standard. This includes threats and violent behavior, direct, indirect, implied or actual, from any person, and directed toward any person, occurring at any county facility or in connection with the conduct of county business without regard to location.

PURPOSE: To implement a county wide zero tolerance standard with regard to threats and violent behavior in the workplace.

- OBJECTIVE:**
1. To assure that all workplace threats and violent behavior are addressed promptly.
 2. To assure the level of physical/facility security in Riverside County workplaces is reasonably sufficient to protect the health and safety of county employees.
 3. To ensure that the County of Riverside is in complete conformance with all Title 8, California Code of Regulations, General Industry Safety Orders and mandates relative to violence in the workplace.
 4. To ensure that all disciplinary action taken for behavior prohibited under this policy is reviewed, evaluated, and administered consistently and equitably throughout the County.

SCOPE: All county employees.

I. GENERAL OVERVIEW

Cal/OSHA requires all employers to develop an Injury, Illness Prevention Program (IIPP) for hazards unique to their place of employment. This IIPP provides the framework for all Riverside County agency, department and special district programs for preventing assaults – specifically, one of the hazards of work in health care and community service, and perhaps the community as a whole. Further, because of the potential for injury to workers, health care and community service organizations must comply with Title 8 of the CCR, Section 3203. This regulation requires an IIPP, which stipulates that responsible persons

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perform worksite analyses, identify sentinel events, and establish controls and training programs to reduce or eliminate hazards to worker health and safety.

Circumstances associated with workplace violence events can be divided into three major types, Type I, II, and III. It is important to keep in mind that a particular occupation or workplace may be subject to more than one type. One type is no more important than another.

Type I workplace violence involves a violent act by an assailant who has no legitimate relationship to the workplace and usually enters the workplace to commit a robbery or other criminal act.

The perpetrator of Type II incidents is either the recipient or the object of a service provided by the affected workplace or the victim, e.g., the assailant is a former client, patient, customer, passenger, criminal, suspect or prisoner.

Type III incidents of workplace violence predominately consist of assaults by an individual who has some present or prior employment-related involvement with a specific workplace. A Type III incident typically involves a threat or physical action against an employee, supervisor, management, current or former spouse, or a rejected romantic interest. Perpetrators of Type III incidents are customarily found to be current or former employees; a current or former spouse or lover; spurned suitor; relative or friend; or some other person who holds a real or imaginary grievance against an employee of that workplace.

II. ZERO TOLERANCE STANDARD

The County of Riverside does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. The list of zero tolerance behaviors with regard to threats and/or violence shall include, but not be limited to, the following proactive measures and/or prohibited behaviors:

1. Engaging or allowing engagement in violent conduct or making threats of violence, implied, actual, direct, or indirect, or causing actual physical injury to another person at a county workplace or in connection with the conduct of county business.
2. Any aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.

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3. Intentionally damaging County of Riverside property or the property of another.
4. Being in possession of an offensive or defensive weapon (firearm, club, knife with a blade four inches or longer, etc.) unless specifically required or authorized in the course of employment, at any county facility or in connection with the conduct of county business without regard to location.
5. Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situation must be reported immediately to a supervisor and the Human Resources Department – Safety Office, at telephone number (951) 955-3520 or the 24-hour hotline (951) 955-5868, and to local law enforcement if necessary. Reports can be made anonymously and all reported incidents would be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and results of the investigation will be discussed with them. The county will actively intervene at any indication of a possible hostile or violent situation.

The supervisor to whom an incident is reported shall immediately provide security for the threatened individual, co-workers, and the public at the worksite by:

- a. Immediately placing an employee alleged to have made threats or engaged in violent behavior on paid leave pending the outcome of an investigation;
- b. Ensuring that any threatening or violent person, employee or member of the public, leaves the work site; except for incarcerated (jail) inmates, juvenile wards and mental health patients.
- c. Immediately contacting an appropriate law enforcement agency if necessary to ensure removal of the offender from the scene; and
- d. Ensuring that an employee who has been the victim of a job related threat or violence occurring away from county work site(s) does not revisit the scene until an investigation has been completed.

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Enforcement:

- a. Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on county premises will be reported to the proper authorities.
- b. All reports of threats and violent behavior, implied, actual, direct, or indirect, will be documented and investigated. Such documentation shall include a narrative of the incident including names and other appropriate identification of the parties involved, verbal comments made or a description of the violent behavior, witness names, and witness statements.
- c. For incarcerated (jail) inmates, juvenile wards, and mental health patient's facilities, the following procedures should be followed by the department:
 - Ascertain the behavior history of new and transferred patients to learn about any past violent or assaultive behaviors.
 - Establish a system such as chart tags, logbooks, or verbal census reports to identify patients and clients with assaultive behavior problems, keeping in mind patient confidentiality and worker safety issues. The log book/records are to be made available upon request by Human Resources Safety Manager and/or Human Resources Employee Relations Division.
 - Prepare contingency plans to treat clients who are acting out or making verbal or physical attacks or threats.
 - Report any serious threat to the Safety Manager and then follow up with a written report.
- d. County employees who engage in threats or violent behavior, direct, indirect, implied or actual, against co-workers or any other person in connection with county business, are to be subject to legal action by law enforcement authorities and disciplinary actions, up to and including termination of employment.

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- e. Managers and supervisors who fail to carry out their responsibilities in accordance with this policy and procedure will be subject to disciplinary action up to and including termination.
- f. Unless specifically required or authorized in the course of employment, Riverside County employees are prohibited from possessing offensive or defensive weapons (firearms, clubs, knives with blades four inches or longer, etc.) at any County facility or in connection with the conduct of County business without regard to location as outlined in 171b of the California Penal Code.

III. RESPONSIBILITIES

A. Safety Division will:

- 1. Direct and plan an effective Injury/Illness Prevention Program for workplace violence on an agency/department-wide basis.
- 2. Coordinate workplace violence program needs with agencies/departments by providing appropriate professional and technical resources.
- 3. Recommend engineering and administrative controls as needed.
- 4. Ensure quality and timeliness of training programs.
- 5. Ensure that appropriate reporting requirements have been met; i.e. (federal and state).
- 6. Conduct annual inspections of county (owned, leased, etc.) premises to evaluate and determine any vulnerability to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

B. Sheriff's Department will:

- 1. Coordinate and assist in the direction and planning of an effective Injury/Illness Prevention Program for workplace violence for the county on an agency/department-wide basis.

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2. Coordinate workplace violence program needs with agencies/departments by providing appropriate professional resources, technical resources, and investigative assistance when necessary.
3. Recommend engineering and administrative controls as needed.
4. Coordinate and ensure quality and timeliness of training programs.

C. Human Resources will:

1. Provide assistance and guidance to agency/department managers and supervisors in the investigation of the incident.
2. Provide advice and direction as to immediate action to be taken with the employee alleged to have made a threat, including a determination by the Human Resources Director or designee, whether administrative leave is appropriate in the circumstances and whether law enforcement authorities should be notified of the incident.
3. Undertake assessment and evaluation of the incident in consultation with agency/department head or designee for determination of disciplinary action.
4. At its discretion, initiate a threat assessment team to assess and evaluate the circumstances and investigation findings.
5. Recommend final disciplinary action.
6. Prior to hiring, take reasonable measures to conduct background investigations to review candidates' backgrounds and reduce the risk of hiring individuals with a history of violent behavior.

D. Agency/district/department heads must:

1. Ensure this policy is fully implemented in all work locations within their area of responsibility.
2. Ensure that managers and supervisors are fully informed of the zero tolerance standard.

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3. Ensure that incident documentation is completed accurately and prepared in a timely manner.
4. Ensure that all managers and supervisors attend the Human Resources/Safety Office Workplace Violence Training Program.
5. Ensure that all threats and violent behavior, direct, indirect, actual or implied, are reported to appropriate law enforcement agencies, Human Resources Employee Relations and the Safety Division.
6. Ensure investigation materials and disciplinary letters are sent to Employee Relations for review and approval in a prompt and timely manner.
7. Ensure that all work sites and work practices within the agency/district/department areas of responsibility are reviewed for the purpose of providing employee security and protection from the potential of reasonably foreseeable violent action.
8. Undertake appropriate discipline as determined by Human Resources.
9. Implement an effective safety and security program, which places employee safety and health on the same level of importance as patient/client safety.
10. Ensure Riverside County's commitment to security in for all employees and assure employees that every effort is made to prevent the occurrence of workplace violence.

E. Manager/supervisor must:

1. Report all incidents of actual violence, persons with weapons and other cases when deemed necessary to the local law enforcement agency.
2. Take steps immediately available to provide safety to the victim and others.

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3. Report all incidents immediately to management, Human Resources, and Safety Division		
4. Be knowledgeable of the zero tolerance standard.		
5. Ensure that all employees attend the Human Resources/Safety Division Workplace Violence Training Program.		
6. Use resources and programs available within the county and the Safety Division to address Workplace Violence Concerns.		
7. Immediately refer the matter to Human Resources for investigation.		
8. Ensure that all reports of threats and violent behavior, direct, indirect, actual or implied, are fully and formally investigated by assisting the Safety Division and/or Human Resources staff.		
F. Employees must:		
1. Not make threats, either real or those that may be perceived as real, or engage in violent behavior in connection with or during the course of Riverside County employment.		
2. Immediately report all incidents of threats or violent behavior to supervisors or immediately contact law enforcement authorities, as appropriate.		
3. Immediately disengage and contact the supervisor upon any instance of overt violence or threatening behavior.		

Note: Employees are not expected to be skilled at identifying potentially dangerous persons, however employees are expected to exercise good judgment and to inform Human Resources/Safety Division if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior might include:

- Discussing weapons or bringing them to the workplace;
- Displaying overt signs of extreme stress, resentment, hostility, or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance; and/or,
- Displaying irrational or inappropriate behavior.

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- G. No individual department, agency or district policy or plan shall be promulgated to supersede, interpret or administer this policy other than operational rules developed by the Human Resources Department, and as mandated by Section II, Enforcement, of this policy.

IV. SECURITY HAZARD ASSESSMENT & IDENTIFICATION

Worksite analysis should be done by using a systematic method to identify those areas requiring an assessment of security hazards. This analysis should accomplish the following:

1. Preparing a list of those work positions in which employees are at risk of assaultive behavior;
2. Identifying high risk factors that include elements such as physical risk factors of the buildings, isolated locations, job assignment locations, high risk activities and situations, inadequate lighting and areas of previous security difficulty.
3. Determining if risk factors have been reduced or eliminated to the extent feasible;
4. Analyzing all newly modified or planned facilities to ensure that hazards are reduced or eliminated; and
5. Conducting periodic surveys whenever there are changes in operational functions to identify new or previously detected risks in security applications or practices. Surveys must be conducted annually.

Analysis of this information will be accomplished by Human Resources/Safety Division and should be incorporated into a plan of correction for current and continuous hazard prevention and control.

Hazard assessments for workplace security will be performed in the form of periodic inspections. These inspections will consist of identification and evaluation of workplace security hazards and changes in employee work practices. Inspections to identify and evaluate workplace security hazards should be performed by the employee designated to perform inspections as outlined in the agency/district/department's Injury/Illness Prevention Program.

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Additional items to consider when assessing workplace security hazards include, but are not limited to the following:

- Access to and freedom of movement within the workplace by non-employees, including recently discharged employees or persons with whom an employee is having a dispute.
- Adequacy of workplace security systems, such as door locks, security windows, physical barriers, and restraint systems.
- Frequency and severity of threatening or hostile situations that may lead to violent acts by persons who are service recipients of the department.
- Effectiveness of systems to warn others of a security danger or to summon assistance (e.g., alarms or panic buttons).
- The use of work practices such as "buddy" systems for specified emergency events.

V. GUIDELINES FOR IMMEDIATE RESPONSE

Any response to an incident involving an assault, which has resulted in injury or death, should be limited in scope. The individual on scene who observes the incident should limit activities to the following:

- Dial **911**. If using an inter-County phone system, Dial **9-911**.
- Render comfort and minor first aid to any injured victims.
- Immediately notify the following:
 - Human Resources Employee Relations - 955-3510
 - Safety Manager - 955-3520 (if no answer, call hotline)
 - Safety Hotline - 955-5868 (message phone)
 - Agency/district/department safety representative:

The first management personnel responding to the incident must immediately ensure that the above actions have been initiated.

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VI. INCIDENT INVESTIGATIONS

Procedures for investigating incidents of workplace violence, including threats and physical injury, include the following:

1. Arriving at the scene of an incident as soon as possible;
2. Contacting Safety Division and Human Resources immediately upon knowledge of threats and/or violent behavior, direct, indirect, actual or implied;
3. Interviewing threatened or injured employees and witnesses;
4. Completing and forwarding Workplace Threat Incident and Threat Assessment forms to Human Resources Safety Division. Department will retain canary (yellow) copy for files;
6. Examining the workplace for security risk factors associated with the incident, after release of the scene by law enforcement personnel in the event that the incident involves injuries or death;
7. Determining the cause of the incident;
8. Reviewing all such previous incidents;
9. Taking corrective action to prevent the incident from recurring, i.e., physical security measures.

VII. TRAINING

All employees, including managers and supervisors, shall have training and instruction on general and job-specific workplace security practices. Training and instruction shall be provided when the Illness/Injury Prevention Program for workplace security is first established and periodically thereafter. Training shall also be provided to all new employees, other employees that have not previously been trained, and to all employees given new job assignments for which specific workplace security training for that job assignment has not previously been provided. Additional training and instruction must be provided to all personnel whenever new or previously unrecognized security hazards are identified.

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Cal/OSHA (3/98) advises that training employees in the management of assaultive behavior or professional assault response has been shown to reduce the incidence of assaults to health care workers. It is recognized that some safety measures may seem expensive or difficult to implement, but are needed to adequately protect the health and well-being of health care and community services workers. It is also important to recognize that the belief that certain risks are "part of the job" contributes to the continuation of violence and possibly the shortage of trained health care and community service workers. Cal/OSHA recognizes its obligation to develop standards and guidelines to provide safe workplaces for health care and community service workers. These workplaces should be free from health and safety hazards, including the fear and threat of assaults.

General workplace security training and instruction includes, but is not limited to, the following:

1. Explanation of the illness/Injury Prevention Program for workplace security including measures for reporting any violent acts or threats of violence;
2. Recognition of workplace security hazards including the risk factors associated with the Type I, Type II and Type III of workplace violence;
3. Measures to prevent workplace violence, including procedures for reporting workplace security hazards or threats to managers and supervisors;
4. Measures to summon others for assistance;
5. Employee routes of escape;
6. Notification of law enforcement authorities when a criminal act may have occurred,
7. Emergency medical care provided in the event of any violent act upon an employee; and;
8. Post-event trauma counseling for those employees desiring such assistance.

VIII. RECORD KEEPING

Within the major elements, record keeping is the heart of the program, providing information for analysis, evaluation of methods control, severity determinations, identifying training needs or overall program evaluations.

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Records shall be kept of the following:

- OSHA logs. OSHA regulations require entry on the Injury Illness Log of any injury, which requires more than first aid, is a lost time injury, requires modified duty, or causes loss of consciousness. Assaults should be entered on the log. Doctor's reports of work injury and supervisor's reports shall be kept of each recorded assault.
- A system of recording and communicating should be developed so that all staff who may provide care for an escalating or potentially aggressive, abusive, or violent client will be aware of the status of the client and of any problems experienced in the past. This information regarding history of past violence should be noted on the patient's chart, communicated in the shift change report and noted in an incident log.
- Any information gathering system should be in place which will enable incorporation of past history of violent behavior, incarceration, probation reports or any other information which will assist health care, community service and home visit staff to assess violence status.
- Records need to be kept concerning assaults, including the type of activity, i.e., unprovoked sudden attack, patient to patient altercation, and management of assaultive behavior actions resulting in any injury to an employee, must be reported the Safety Division **immediately**. Information needed includes who was assaulted, and circumstances of the incident without focusing on any alleged wrongdoing of staff persons. These records also need to include a description of the environment, location or any contributing factors, corrective measures identified, including building design, or the measures needed. Determination must be made of the nature of the injuries sustained (severe, minor or the cause of long-term disability), and the potential or actual cost to the facility and employee. Records of any lost time or other factors, which may result from the incident, should be maintained;
- Doctors reports of injuries should be sent to Risk Management and Worker's Compensation Offices;
- Training records will be maintained for a period of three (3) years.

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NOTE: Cal/OSHA (3/98) advises that true rates of violence at health care and community service facilities however, must be assumed to be higher than documented rates, because of the culture of these services. Episodes of violence are often unreported. If reported, records are not necessarily maintained, nurses and other health care professionals and community service workers are reluctant to report assaults or threatening behavior when the prevailing attitude of administrators, supervisors and other staff members, is that violence "comes with the territory" or "health professionals accept the risk when they enter the field".

IX: HAZARD REDUCTION AND CONTROL

In order to reduce, eliminate, and control hazards, engineering, administrative, and work controls for all job assignments and facility locations must be implemented.

1. Engineering controls for facilities

- a. Bright and effective lighting systems must be provided for all indoor building areas as well as grounds and parking areas.
- b. Curved mirrors should be installed at intersections of halls or in areas where an individual may conceal their presence or activity.
- c. No employee should be permitted to work alone in an isolated unit or facility located in a high crime area.
- d. Fixed and mobile alarm system trigger devices, to be used in facilities which are prone to robberies or when a customer's abusive behavior is escalating or threatening with or without a weapon.

In order to provide some measure of safety and to keep the employee in contact with headquarters or a source of assistance, cellular phones should be provided for official use when staff is assigned to duties which take them out into the community and especially private homes. These workers may include (but are not limited to) parking enforcers, union business agents, psychiatric evaluators, public social service workers, children's service workers, visiting nurses and home health aides.

Hand held alarm or noise devices or other effective alarm devices are highly recommended to be provided for all field personnel.

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Beeper or alarm systems, which alert a central office of problems, should be investigated and provided field personnel.

Other protective devices should be investigated and provided such as pepper sprays provided the agency/department first adopts a use of force policy and training program.

2. Administrative Controls:

A sound overall program to deter and control violence includes administrative controls that reduce hazards from insufficient security measures. While not all inclusive, the following suggested guidelines are basic to this process:

- a. A plan to deal effectively with a customer/client who behaves in an aggressive manner, which includes a gradual progression of measures for employees to deter aggressive behavior from escalating to assaults.
- b. Any uniformed security personnel should be trained in the principles of human behavior and methods of dealing with threats, verbal abuse, or violent aggression.
- c. Employees must understand and be encouraged to report all threatening, aggressive, or assaultive incidents. All such incidents must be recorded and appropriate action taken.
- d. Psychiatric clients/patients should be escorted to and from waiting rooms and not permitted to move about unsupervised in clinic areas. Access to clinic facilities other than waiting rooms should be strictly controlled with security provisions in effect.
- e. Staff members should be given the greatest possible assistance in obtaining information to evaluate the history of or potential for, violent behavior of in-patients and/or clients. They should be required to treat and/or interview aggressive or agitated clients in open areas where other staff may observe interactions, but still maintain privacy and confidentiality.

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- f. Assistance and advice should be sought in case management conferences with co-workers and supervisors to aid in identifying treatment of potentially violent clients. Whenever an agitated client or visitor is encountered, treatment or intervention should be provided when possible to diffuse the situation. However, security personnel or other assistance should be requested to help in avoiding violence.
 - g. No employee should be permitted to work or stay in a facility or isolated unit when they are the only staff member present in the facility, if the location is so isolated that they are unable to obtain assistance if needed, or in the evening or at night if the clinic or office is closed.
 - h. Employees must report all incidents of aggressive behavior such as pushing, threatening, etc., with or without injury, and logs must be maintained recording all incidents or near incidents. Also, any verbally threatening, aggressive or assaultive incident must be reported and logged.
 - i. Records, logs, or flagging charts must be updated whenever information is obtained regarding assaultive behavior or previous criminal behavior.
 - j. Administrators should work with local police or sheriff's office to establish liaison and response mechanisms for police assistance when calls are made for help by a clinic. Likewise, this will also facilitate the clinic or offices provision of assistance to local police in handling emergency cases.
3. **Reduce, Eliminate & Control Hazards in Health Care & Community Services**

Cal/OSHA (3/98), recommends that all employers involved with health care and community service facilities should investigate programs or robbery deterrence strategies such as increased lighting, closed circuit TV monitors, visible money handling locations if sales are involved, limiting access and egress and providing security staff.

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Reference:

Minute Order 3.11 of 03/07/00

Attachments: Form 2010-1 "Workplace Threat Incident Report"

Form 2010-16 "Employee Training Documentation" Acknowledgement of
County of Riverside Workplace Violence, Threats and Securities

Minute Order 3.21 of 02/07/17

**APPENDIX A
WORKPLACE THREAT INCIDENT REPORT
AGAINST COUNTY OF RIVERSIDE EMPLOYEE**

1. Name of Individual threatening County employee: _____
2. Relationship to County: _____
3. Physical description: Hair _____ Eyes _____ Height _____
Weight _____ Ethnicity _____
Distinguishing characteristics _____

4. (attach picture if possible)
Circumstances of threat: _____

Location of threat: _____
6. Date: _____ Time: _____
7. Exact words of threat: _____

8. Threatened County employee's name: _____
9. Department: _____
10. Work address: _____
11. Work telephone: _____ Home Telephone: _____
12. Additional Comments: _____

13. Supervisor: _____ Work Phone: _____

I certify under penalty of perjury the above information is true and correct to the best of my knowledge.

Threatened County Employee Signature Date

Supervisor's Signature Date

**APPENDIX B
EMPLOYEE TRAINING DOCUMENTATION**

INDIVIDUAL EMPLOYEE TRAINING DOCUMENTATION

NAME _____ **OF** _____ **TRAINER/INSTRUCTOR** _____

TRAINING SUBJECT: WORKPLACE VIOLENCE

TRAINING MATERIALS USED: _____

NAME _____ **OF** _____ **EMPLOYEE:** _____

_____ **DEPARTMENT:** _____

_____ **DATE OF HIRE/ASSIGNMENT:** _____

I, hereby certify that I received training as described in the following areas:

- Explanation of the Illness/Injury Prevention Program for workplace security including measures for reporting any violent acts or threats of violence.
- Recognition of workplace security hazards including the risk factors associated with the Type II and Type III of workplace violence.
- Measures to prevent workplace violence, including procedures for reporting workplace security hazards or threats to managers and supervisors.
- Measures to summon others for assistance.
- Employee routes of escape.
- Notification of law enforcement authorities when a criminal act may have occurred.
- Post-event trauma counseling for those employees desiring such assistance.

I fully understand this training, agree to comply with the instructions received, and with the Workplace Violence Policy.

Employee Signature

Date

Trainer/Instructor Signature

Date

**APPENDIX C
ACKNOWLEDGMENT OF
COUNTY OF RIVERSIDE
WORKPLACE VIOLENCE, THREATS AND SECURITIES**

I have received a copy of and am fully aware of the County of Riverside's Workplace Violence, Threats and Securities Policy; and I agree to abide by the terms of this policy. I also agree to remain apprised of future revisions to this policy and to abide by the terms of all such revisions.

Employee Name: _____

Employee Signature: _____

Date: _____

This form shall be retained in department files.

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PURPOSE: The purpose of this policy is to protect the right of employees to be free from unlawful discrimination, harassment, and retaliation, and to set forth a procedure for promptly investigating and taking appropriate remedial action in dealing with internal complaints of unlawful discrimination, harassment, and retaliation.

SCOPE: This policy is applicable to all County of Riverside employees, including, but not limited to, contract workers, volunteers, interns, externs, and elected officials.

POLICY: To implement a policy regarding discrimination or harassment of an applicant or an employee by a supervisor, management employee, County Officer, or co-worker on the basis of actual or perceived race, color, national origin, ancestry, religious creed, denial of family and medical care leave, sex (including pregnancy and medical conditions related to pregnancy), age, disability (physical and mental), medical condition, genetic information, marital status, military and veteran status, sexual orientation, gender (including gender identity and gender expression), status as a victim of domestic violence, sexual assault, or stalking, and/or retaliation for protesting illegal discrimination and/or harassment related to one of these categories, or any other legally protected classes under state or federal law.

It is also the Policy of the Board of Supervisors to provide a work environment free from sexual harassment, including unwelcome sexual overtures, advances, or coercion although sexually harassing conduct need not be motivated by sexual desire.

Any retaliation against a person for opposing unlawful discrimination or harassment, filing a discrimination or harassment complaint, reporting discrimination or harassment, or participating in a discrimination or harassment investigation or lawsuit is prohibited. Employees found to be retaliating against another employee shall be subject to disciplinary action, up to and including termination.

This policy applies to all workplace behaviors and terms and conditions of employment, including but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leaves of absence, compensation and training. It applies to a County employee acting on behalf of the County on or off the job site.

Disciplinary action, up to and including termination, will be instituted for unlawful discrimination, harassment and/or retaliation as defined in this policy.

TRAINING: All non-management or non-supervisory employees shall attend Employee Harassment Prevention Training (offered by Human Resources) within the first six (6) months of hire and every four (4) years thereafter.

All supervisory and management employees shall attend Management Harassment Prevention Training (offered by Human Resources) within the first six (6) months of the hire/promotion date and every two (2) years thereafter.

The training provided shall include the prevention of abusive conduct.

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DEFINITIONS:

Discrimination – is the disparate or adverse treatment of a person or applicant based on the group, class, or category to which that person or applicant belongs rather than on individual merit. Group, class, or category includes, but is not limited to, race, color, national origin, ancestry, religious creed, denial of family and medical care leave, sex (including pregnancy and medical conditions related to pregnancy), age, disability (physical and mental), medical condition, genetic information, marital status, military and veteran status, sexual orientation, gender (including gender identity and gender expression), status as a victim of domestic violence, sexual assault, or stalking, and/or retaliation for protesting illegal discrimination and/or harassment related to one of these categories, or any other legally protected classes under state or federal law.

Harassment – can be a form of discrimination if it is unwelcome and is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with terms, conditions, or privileges of employment. Harassment may be verbal, physical, visual, or sexual. It may be made in general or directed to an individual or a group of people. Even if actions are not directed at specific persons, a hostile environment may be created when the conduct is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with or limit the terms, conditions, or privileges of employment. Harassment may occur regardless of whether the behavior was intended to harass. Harassers may be supervisors, managers, co-workers, contractors, or elected officials, or members of the public.

Verbal – speech, such as lewd propositioning, epithets, stereotypical or derogatory comments, slurs, threats, offensive or degrading remarks, verbal abuse, or other behavior such as insulting, teasing, degrading or ridiculing another person or group. This might include inappropriate sex-oriented comments or appearance, including dress or physical features, stories or jokes, or gender characteristics that do not conform to traditional or social expectations.

Physical Acts – unwelcome or inappropriate physical contact such as assault, impeding or blocking movement, or offensive touching, or any physical interference within normal work or movement when directed at an individual. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

Visual Insults - derogatory, prejudicial, stereotypical, or otherwise offensive email messages, web pages, screen savers and other computer images; posters, photographs, cartoons, notes, notices, bulletins, or drawings; and staring or leering.

Sexual Harassment – unsolicited or unwanted sexual advances, requests for sexual favors and/or other acts of a sexual nature, whether or not the sexually harassing conduct was motivated by sexual desire, where submission is made a term or condition of employment; where submission or rejection of the conduct is used as the basis for employment decisions; or

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where the conduct is intended to or actually does unnecessarily interfere with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Retaliation – taking adverse employment action against an employee because of the employee's protected activities, including but not limited to opposing unlawful discrimination and/or harassment, filing a discrimination or harassment complaint, reporting discrimination or harassment, or participating in a discrimination or harassment investigation or lawsuit. Adverse employment actions may include, but are not necessarily limited to denial of a promotion, refusal to hire, and/or imposition of discipline.

COMPLAINT PROCEDURE: An employee or job applicant who believes he or she has been discriminated and/or harassed has a responsibility to immediately make a complaint either orally or in writing with any of the following:

- Immediate supervisor;
- Any supervisor or management employee/officer within the department, including the department head;
- Any supervisor or management employee/officer within the County of Riverside;
- The Human Resources Department, Employee Relations Division.

Any supervisor or management employee, or County officer who receives a discrimination/harassment complaint shall: (1) provide the employee and/or job applicant with a copy of the C-25 policy and refer them to Attachment B, and (2) immediately notify the Human Resources Department.

The employee or job applicant also has the right to file a complaint with the state Department of Fair Employment and Housing (DFEH), the federal Equal Employment Opportunity Commission (EEOC), or the Department of Industrial Relations (DIR). An employee or job applicant may file a complaint with the DFEH by calling (800) 884-1684 or visiting the DFEH website at www.dfeh.ca.gov. The employee or job applicant may file a complaint with the EEOC by visiting the EEOC website for directions on how to file a charge of employment discrimination at www.eeoc.gov. The employee or job applicant may file a complaint for retaliation with the DIR by visiting the DIR website for direction on how to file a charge of employment discrimination at www.dir.ca.gov.

Although the County recommends an employee who believes he or she may be the victim of discrimination, harassment, and/or retaliation to report such conduct, the County will not tolerate intentional false accusations of discrimination, harassment, and/or retaliation. The filing of any intentional false claims is considered unlawful and may result in disciplinary action up to and including termination.

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COMPLAINT INVESTIGATION: Upon receiving notification of a discrimination/harassment complaint, the Department Head, the Human Resources Director or designee, shall:

1. Immediately authorize and supervise the investigation of the complaint. The investigation shall, at a minimum, include interviews with the complainant, the accused harasser, and any other persons the Department Head or the Human Resources Director has reason to believe may have relevant knowledge concerning the complaint.
2. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination and/or harassment giving consideration to all actual information and the totality of the circumstance, including the nature of the visual, verbal, and/or physical conduct.
3. Take or recommend prompt and effective remedial action against the harasser if it is determined through the investigation that illegal discrimination and/or harassment occurred.
4. Take reasonable steps to protect the complainant from further discrimination and/or harassment and any retaliation.
5. Take action to remedy the victim's loss, if any, which resulted from the harassment.

COMPLAINT PROCEDURE FOR PUBLIC SAFETY AGENCIES: Public safety agencies (Riverside County Sheriff's Department, District Attorney's Office, and Probation Department) are charged with conducting investigations of allegations of violation of this policy. These departments shall comply with the Peace Officer Bill of Rights (POBR), California Government Code Sections 3300-3313, for peace officers employed in their departments.

In order to ensure consistency countywide the public safety agencies shall:

1. Upon receipt of verbal notification of a C-25 complaint, the public safety agency shall cross-report in writing the name of the complainant(s), name of the accused, allegation(s), and a brief summary of which the complaint is based to the Human Resources Employee Relations Division. The public safety agency will provide a copy of any written complaint received to the Human Resources Employee Relations Division.
2. The public safety agency will conduct the investigation pursuant to the requirements set forth in POBR §3303, for peace officers employed in their departments.
3. At the conclusion of the investigation, the public safety agency shall provide the Human Resources Employee Relations Division with the complaint disposition (i.e. sustained, not-sustained, or unfounded) within 30 working days of the conclusion of the

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investigation.

4. For investigations conducted by the Sheriff's Department or District Attorney's Office against an employee within their respective chains of command, any disciplinary action taken shall be at the discretion of the Department Head. However, the level of discipline must be consistent with countywide disciplinary actions taken with similar acts or omissions related to this policy.
5. Pursuant to Penal Code Section 832.7, the completed investigation shall be maintained by the public safety agency and only disclosed pursuant to Sections 1043 and 1046 of the Evidence Code or other enforceable court process.
6. The Human Resources Department shall work collaboratively with the public safety agencies on responses to complaints filed with external federal or state agencies including, but not limited to, the Department of Fair Employment and Housing, the Equal Employment Opportunity Commission, and the Department of Labor.

REQUIREMENTS FOR MANAGERS AND SUPERVISORS:

- Set the example;
- Provide ALL personnel updated training and information concerning illegal discrimination or harassment;
- Take initial complaints seriously;
- Ensure that all managers and supervisors take immediate action;
- Provide the employee with the C-25 policy and complaint, and report each complaint in accordance with the County's internal Discrimination Complaint Procedure (attached);
- Disseminate this policy to all employees;
- Post federal and state employment posters, "Harassment of Discrimination in Employment is Prohibited by Law" in conspicuous places within the department; and
- Disseminate the State of California "Sexual Harassment – The Facts About Sexual Harassment is Forbidden by Law" brochure to all departmental employees.

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**ACKNOWLEDGMENT OF AND MANDATORY COMPLIANCE
WITH THE COUNTY OF RIVERSIDE
NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

I hereby acknowledge receipt of the County of Riverside Non-Discrimination and Anti-Harassment Policy. I understand that compliance with this policy is mandatory and violation of this policy may result in discipline up to and including termination. I also agree to remain apprised of future revisions to this policy and to abide by the terms of all such revisions.

Employee Name: _____

Employee Signature: _____

Date: _____

This form shall be retained in employee's personnel file.

Reference:
Minute Order 3-12 dated 10.28.14
Minute Order 3-34 dated 4.8.14
Minute Order 3.67 dated 9.13.11
Minute Order 3.15 dated 12.8.98
(Resolution No. 98-363)

FOLLOWING ARE:

NON-DISCRIMINATION AND ANTI-HARASSMENT COMPLAINT PROCEDURE ATTACHMENT 'A'

NON-DISCRIMINATION AND ANTI-HARASSMENT COMPLAINT FORM ATTACHMENT 'B'

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ATTACHMENT A

**COUNTY OF RIVERSIDE HUMAN RESOURCES DEPARTMENT
4080 LEMON STREET, POST OFFICE BOX 1569
RIVERSIDE, CA 92502-1569
PHONE: (951) 955-3510 / FAX: (951) 955-9816 / TTY: 711**

NON-DISCRIMINATION AND ANTI-HARASSMENT COMPLAINT PROCEDURE

BASIS FOR FILING A COMPLAINT

Alleged illegal discrimination or harassment based on race, color, national origin, ancestry, religious creed, denial of family and medical care leave, sex (including pregnancy and medical conditions related to pregnancy), age, disability (physical and mental), medical condition, genetic information, marital status, military and veteran status, sexual orientation, gender (including gender identity and gender expression), status as a victim of domestic violence, sexual assault, or stalking, and/or retaliation for protesting illegal discrimination and/or harassment related to one of these categories, or any other legally protected classes under state or federal law.

WHO MAY FILE

County employees or applicants for County employment who believe they have been adversely affected by illegal discrimination or harassment concerning any term or condition of employment such as hiring, promotion, leaves of absence, termination, etc.

COMPLAINT PROCEDURE

An employee or job applicant, who believes he or she has been discriminated against or harassed, has a responsibility to immediately make a complaint either orally or in writing with any of the following: immediate supervisors; any supervisor or management employee/officer within the department, including the Agency/Department Head; any County of Riverside supervisor or management employee/officer or the Human Resources Department. (Any supervisor or management employee, or county officer who receives a discrimination or harassment complaint shall immediately notify the County's Human Resources Director).

The employee or job applicant also has the right to file a complaint with the state Department of Fair Employment and Housing (DFEH), the federal Equal Employment Opportunity Commission (EEOC), or the Department of Industrial Relations (DIR). An employee or job applicant may file a complaint with the DFEH by calling (800) 884-1684 or visiting the DFEH website at www.dfeh.ca.gov. The employee or job applicant may file a complaint with the EEOC by visiting the EEOC website for directions on how to file a charge of employment discrimination at www.eeoc.gov. The employee or job applicant may file a complaint for retaliation with the DIR by visiting the DIR website for direction on how to file a charge of employment discrimination at www.dir.ca.gov.

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WHEN TO FILE

A complaint which is determined to be appropriate for investigation should be filed with the County of Riverside within 90 calendar days of the alleged incident or occurrence.

THE INVESTIGATION

The assigned investigator serves as a neutral third party in seeking the facts and attempting to determine whether illegal discrimination or harassment did take place. Consequently, the assigned investigator does not function as the advocate of the complainant or of the County.

The Human Resources Director, or designee, will evaluate the information gathered within the investigation. If the complaint is substantiated, the Human Resources Director, or designee, will advise the Agency/Department Head or other appropriate County official(s) in order to remedy the situation and eliminate the practices which caused the problem. Complainants will be advised, in writing, of findings and conclusions.

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ATTACHMENT B

**COUNTY OF RIVERSIDE HUMAN RESOURCES DEPARTMENT
4080 LEMON STREET, POST OFFICE BOX 1569
RIVERSIDE, CA 92502-1569
PHONE: (951) 955-3510 / FAX: (951) 955-9816 / TTY: 711**

DISCRIMINATION / HARASSMENT / RETALIATION COMPLAINT FORM
(Attach additional pages to this form as necessary)

I. GENERAL INFORMATION

Last Name _____ First Name _____ MI _____

Title _____ Department _____

Home Address _____ City _____

State _____ Zip Code _____ Preferred Email _____

Home Phone _____ Work Phone _____ Cell _____

Preferred Contact Number: (Check all that apply) Home Work Cell

What is your relationship with the County of Riverside? _____

Current Employee Former Employee If former employee, last date of employment: _____

Applicant for Employment Other Specify: _____

II. COMPLAINT INFORMATION

Indicate the type(s) of complaint being filed: Discrimination Harassment Retaliation

For Discrimination or Harassment complaint, indicate the protected class(es) you belong to that serve(s) as the basis(es) of the allegation: (Select all that apply)

Religious creed Race/Color National origin/Ancestry

Age Disability Genetic information

Sex Medical leave Medical condition

Gender Marital status Sexual orientation

Military/Veteran Status Victim of domestic violence/sexual assault/stalking

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Retaliation for protesting illegal discrimination and/or harassment related to protected class(es)

Other Specify: _____

For Retaliation complaint, indicate the activity you engaged in that served as the basis for the allegation.

Identify the Accused against whom this complaint is made.

Name of Accused:	Title of Accused:	Relationship to you:

Describe the incident(s), including dates, times and locations giving rise to your complaint.

For Harassment or Sexual Harassment complaint, please explain why the conduct was offensive to you.

Describe the specific harm you have suffered resulting from the incident(s).

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III. WITNESSES

Identify individuals who may have witnessed or have knowledge of the incident(s). Attach additional names as necessary.

Last Name _____	First Name _____
Telephone _____	Email _____
Relationship to you _____	

Last Name _____	First Name _____
Telephone _____	Email _____
Relationship to you _____	

Last Name _____	First Name _____
Telephone _____	Email _____
Relationship to you _____	

Last Name _____	First Name _____
Telephone _____	Email _____
Relationship to you _____	

Last Name _____	First Name _____
Telephone _____	Email _____
Relationship to you _____	

Last Name _____	First Name _____
Telephone _____	Email _____
Relationship to you _____	

Last Name _____	First Name _____
Telephone _____	Email _____
Relationship to you _____	

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IV. ATTEMPTED RESOLUTION

Was an Informal Resolution sought?

No Yes If yes, with whom? _____ Date _____

What was the outcome? _____

Have you filed a grievance regarding this matter? No Yes

If yes, date grievance was filed _____ Organization _____

Labor Representative _____

Do you have an attorney? No Yes

If represented by an attorney, please provide name, address and telephone number of attorney:

Have you filed a complaint relative to this matter with any other agency? No Yes

If yes, please check the appropriate box(es):

EEOC Date filed _____

DFEH Date filed _____

DIR Date filed _____

V. DOCUMENTATION

Do you have any documents that support your complaint? No Yes

If yes, please list and attach relevant copies with this Complaint:

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VI. EXPECTED OUTCOME

What outcome(s) do you expect from filing your complaint? Be as specific as possible.

AUTHORIZATION

I certify that the information given in this complaint is true and correct to the best of my knowledge/belief.

Print Name of Complainant _____ Date _____

Signature of Complainant _____

EMPLOYEE RELATIONS ONLY:

Received by _____ Date _____