

	<b>COUNTY OF KINGS</b> <b>California</b> <b>POLICY MANUAL</b>	Policy Subject: Workplace Bullying Policy Section: 10 Number: 20 BOS Agenda Date: 12/22/2020
<b>SUBJECT</b>  <u>Workplace Bullying Policy</u>	By Action of the Board of Supervisors <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Emergency Action	
<b>DEPARTMENT</b> Human Resources Department	Effective Date: December 22, 2020 Revision Date: <i>Citation:</i>	
<b>Overview:</b>		

**POLICY**

This policy will be administered in accordance with the County Personnel Rules to provide guidance and direction relating to any instances of bullying in the workplace, and to ensure a professional, safe workplace for employees and the public.

**APPLICABILITY**

This Policy is applicable to all current employees of the County.

**PURPOSE**

The purpose of this policy is to communicate to employees at all levels that respectful behavior shall be the standard for the County of Kings employees and that the County will not tolerate and will promptly address bullying behavior towards employees, applicants for employment, and others in the work environment, including contractors and members of the public. Employees found in violation of this policy may face disciplinary action, up to and including termination.

The County of Kings considers workplace bullying unacceptable and will not tolerate it under any circumstances. The County expects all who enter our workplace to be treated with dignity and respect. It is the policy of the County of Kings to address repetitive behavior or persistent conduct a reasonable party would find threatening, intimidating, abusive, coercive, humiliating, and/or malicious. This policy is intended to address such “workplace bullying” whether group bullying, peer-to-peer bullying, supervisor to subordinate bullying, subordinate to supervisor bullying, or bullying of visitors to our workplace.

## **Types of Bullying:**

Examples of prohibited conduct include, but are not limited to, repetitive or persistent:

- **Verbal bullying:** Ridiculing or maligning a person or his or her family, hurtful or humiliating name calling, persistent or constant public criticism, abusive, or offensive remarks;
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping; threatening physical contact or damage to a person's work area or property;
- **Cyberbullying:** Bullying conduct that takes place online or is perpetrated using electronic means of communication;
- **Gesture bullying:** Nonverbal threatening or obscene gestures, or threatening looks;
- **Power bullying (could be also be labeled favoritism):** Applying made up or arbitrary rules to an individual, preventing access to necessary information, consultation, training, resources, or other opportunities;
- **Exclusion bullying:** Socially or physically excluding or disregarding a person from work-related activities, such as appropriate meetings and team events;
- **Work sabotage:** Sabotage of an employee's work product or undermining an employee's work performance; encouraging others to ignore a supervisor's instructions; manipulating the ability of an employee to do his/her work (e.g., setting unreasonable deadlines, overloading assignments, withholding information or giving deliberately ambiguous instructions); taking credit for another employee's work; repeatedly finding errors in an employee's work that cannot be documented.

This list is not all-inclusive. Individuals determined to have engaged in these and other similar behaviors that are determined to be bullying may face disciplinary action regardless of their intent.

### I. **Workplace Supervision:**

There is a difference between bullying and appropriate workplace supervision. Routine workplace supervision is **not** bullying. Supervisors, Managers, and Department Heads holding employees accountable for meeting performance expectations, goals, and deadlines, or for the following policies and procedures, or who perform any other reasonable action in the course of their normal supervisory responsibilities shall not be considered to have engaged in bullying behavior. Examples of appropriate supervisory activities include but are not limited to the following:

- Disciplinary action issued pursuant to applicable law, rule, or policy;
- Routine coaching or counseling, including correction of work performance or conduct;
- Routine direction or assignment of work by a supervisor;
- Performance appraisals;
- Ongoing meetings to address performance issues;
- Investigation of allegation of misconduct or policy violation; or

- Difference of opinion on work-related issues.

## **II. Responsibilities**

**Managers and Supervisors** – Managers and Supervisors are responsible for:

- Clearly communicating all policies and regulations regarding workplace bullying;
- Taking all reports of bullying seriously and immediately informing their supervisor, manager, department head, or Human Resources;
- Avoiding bullying behavior towards other employees;
- Refraining from retaliation against individuals who report incidents of bullying or who participate in an investigation of a report of bullying; and
- Implementing appropriate remedial action which may include disciplinary action against individuals who engage in bullying or retaliation.

**Employees** – All employees are responsible for:

- Conducting themselves in a manner which demonstrates professionalism and mutual respect for other;
- Reporting any bullying conduct they experience or observe in the workplace to a supervisor, manager, department head or Human Resources;
- Cooperating in any investigation of reports of bullying in the workplace; and
- Maintaining confidentiality of the information shared with the employee through the reporting or investigation process.

## **III. Retaliation Prohibited:**

The County of Kings will not tolerate retaliation against employee making good faith report of bullying, even where the reported concerns are unsubstantiated. This policy prohibits any retaliatory conduct (such as threats, intimidation, reprisals, harassment, incivility and other adverse actions) against any employee who reports bullying, assists someone with a report of bullying, or participates in an investigation or resolution of a bullying complaint. Retaliation toward employees who make a report or participate in an investigation is strictly prohibited and may lead to disciplinary action, up to and including termination.

#### **IV. Reporting Procedure:**

- An employee who believes that he or she has been subject to bullying should immediately bring the behavior to the attention of a supervisor, manager, or department head. Employees should exhaust their chain of command before seeking further assistance from Human Resources.
- If the employee's supervisor or other manager in the employee's chain of command is the source of bullying, or if the employee is otherwise uncomfortable discussing the matter with the next level in their chain of command, the employee is encouraged to contact their department head or if further assistance is needed the employee should contact Human Resources.
- While some reports of bullying may not rise to the level of investigation. Supervisors and manager are required to document the complaint and shall inform their Department Head and Human Resources immediately.
- Reports of bullying that require investigation will include interviews with the complainant, the person alleged to have engaged in bullying, and any witnesses identified. An investigation may be performed at the department level, by Human Resources, an applicable departmental designee, appropriate law enforcement agency or other outside investigator.
- In conducting the investigation, the County will respect the privacy of all concerned and will maintain confidentiality to the fullest extent possible.
- The investigation will consist of a fact finding report and will determine whether the allegations of bullying were substantiated. If allegations are proven, the Department/County will issue remedial action and/or disciplinary action as appropriate, up to and including termination of employment.

#### **V. Education, Training, and other resources:**

The County of Kings shall provide on-going, periodic educational and training programs to inform County employees of relevant policy updates. This policy will be provided to all new employees during new hire orientation, and any revisions to this policy will be provided to current employees within the Employee Handbook.

This policy will work in compliance with all County's Personnel Rules and policies, specifically Chapter 10 - Disciplinary Action, Grievance Procedures and Chapter 14 – Discrimination Complaint Procedures, and Chapter 15 – Sexual Harassment Policy.