	COOK COUNTY BUREAU OF HUMAN RESOURCES	
VIOLENCE-FREE WORKPLACE POLICY		
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A. OVERVIEW

Cook County (“County”) is committed to providing a productive work environment free from any type of violence.

B. PURPOSE

The purpose of this policy is to:

- Help ensure that the workplace is a violence-free and productive environment;
- Increase awareness of workplace violence;
- Provide assistance to individuals who have been, or may be, subjected to violence in the workplace; and,
- Outline procedures for preventing, reporting, and investigating workplace violence.

C. INTENT

This policy is intended to be interpreted consistent with and subject to applicable law. It supersedes all previous policies and/or memoranda that may have been issued from time to time on subjects covered in this policy. This policy is not intended to supersede or limit the County from enforcing provisions in any applicable collective bargaining agreement. Should any provision in this policy conflict with a specific provision in the Personnel Rules, the provision(s) in this policy shall take precedence.


Nothing in this policy is intended to, nor shall be construed to create a private right of action against Cook County or any of its employees, nor shall it be construed to create any contractual or other rights or expectations. Furthermore, nothing herein is intended to substitute for or discourage reporting of incidents of workplace violence to appropriate law enforcement authorities, or to affect any existing civil or other remedy which may be available to any person arising from an incident or threat of violence in the workplace.

D. SEVERABILITY

If any section or provision of this document should be held invalid by operation of law, none of the remainder shall be affected.

E. JURISDICTION

The Bureau of Human Resources (“BHR”) is authorized to develop and issue policies for the effective management of Cook County employees, pursuant to Section 44-45 of the Cook County Code of Ordinances.

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F. AREAS AFFECTED

This policy applies to all County employees in Departments under Offices of the President and/or covered by the County Employment Plan.

G. NONDISCRIMINATION

Cook County prohibits the discriminatory application, implementation, or enforcement of any provision of this policy on the basis of race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, housing, or any other protected category established by law, statute or ordinance, as provided in Section 44-53 of the Cook County Code of Ordinances.

H. EMPLOYEE AND MANAGEMENT RESPONSIBILITIES

All individuals covered under this policy, including Managers and Supervisors, are responsible for:


- Interacting responsibly with other individuals at the workplace;
- Promptly reporting actual and/or potential threats, allegations and incidents of workplace violence to appropriate authorities, including law enforcement and/or the Equal Employment Opportunity (EEO) Office, for investigation;
- Cooperating fully in investigations and assessments of threats, allegations and incidents of workplace violence; and,
- Informing appropriate personnel about applicable restraining or protective court orders so that assistance may be offered at the workplace.

Managers and Supervisors are additionally responsible for:

- Taking seriously all reports of threats, allegations and incidents of workplace violence;
- Being cognizant of situations that have the potential to produce violent behavior and promptly addressing them with all concerned parties; and,
- Ensuring that employees have time and opportunity to attend relevant training (i.e., conflict resolution, stress management, etc.) as needed.

I. DEFINITIONS

“Bullying” means deliberate, repetitive, unwanted, aggressive and/or hostile behavior conditioned by a real or perceived power imbalance, and includes actions such as making threats, belittling, spreading rumors and/or ostracizing another to make them feel inferior or force them into, or deter them from, some action.

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“**Harassment**,” as defined in the County’s Equal Employment Opportunity Policy, includes, but is not limited to:

1. Verbal conduct, such as threats, epithets, derogatory comments, slurs;
2. Visual conduct, such as derogatory posters, photographs, cartoons, drawings or gestures;
3. Written communications, statements and images which may be offensive to individuals in a particular protected group; or,
4. Physical conduct such as assault, unwanted touching or blocking normal movement.


“**Military discharge status**” means the fact of having been discharged from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia other than by a “dishonorable discharge”.

“**Retaliation**” means treating an employee differently or negatively for engaging in legally protected activity such as participating in workplace investigations. Retaliation can include any negative job action, such as demotion, discipline, firing, salary reduction, or job or shift reassignment.

“**Sexual violence**” means nonconsensual sexual acts or threats of a sexual nature, and includes the distribution of sexually explicit images of individual(s) without their consent via any medium.

“**Stalking**” means a pattern of conduct directed at an individual that causes or would reasonably cause the individual to fear for their own safety or the safety of another individual. Examples of stalking behavior include, but are not limited to repeated acts such as:

1. Telephoning an individual for any purpose other than County business, especially repeatedly;
2. Surveilling an individual’s workplace or home;
3. Following or pursuing an individual without their permission;
4. Appearing uninvited at an individual's workplace or home;
5. Sending unwanted letters, gifts or other items;
6. Sending unwanted and harassing correspondence, including, but not limited to, emails, instant messages, photos or social networking connections, via any medium;
7. Starting or spreading rumors about an individual, online or otherwise; and,
8. Threatening to harm an individual, others or oneself, or to damage property.

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“Violence” means any act of physical violence, threat of physical violence (verbal, written, electronic or otherwise), intimidation, or threatening behavior towards an individual, which causes emotional or physical harm to the individual. This shall include any statement or threat, whether verbal, implied, written, electronic or otherwise, that instills a reasonable fear of present or future harm, or causes extreme emotional distress. “Violence” includes, but is not limited to:

1. The use of threat or physical force, including fighting or rough or rowdy physical horseplay or other conduct that may be dangerous to another;
2. Destruction of property;
3. The use or possession of any weapon and/or ammunition, unless the specific weapon and/or ammunition is authorized by the County for a particular work assignment and in accordance with applicable law. For purposes under this policy, “weapon” specifically excludes items, tools or instruments used for legitimate business purposes, as authorized by the employee’s supervisor or manager;
4. Using County-owned or leased equipment to create and/or distribute harassing messages or images of any individual via any medium;
5. Causing work schedule disruption by threatening to harm an individual’s immediate family member;
6. Creating and/or distributing a County employee’s personal documents or information via any medium without their consent and for non-County business; or,
7. Bullying, harassment, sexual violence, or stalking, as defined above.

“Workplace” means on Cook County property, on work-related travel, using the County’s equipment or vehicle at the time of the incident, or at a site away from work if the incident results from interactions occurring at work.


J. POLICY AND PROCEDURES

The County maintains a strict policy prohibiting violence in the workplace, and institutes this policy consistent with its commitment to creating and maintaining a productive and safe workplace.

1. Prohibited Conduct

a. Workplace Violence

This policy prohibits any incident of violence that is completed, threatened, or attempted by or against individuals, which takes place in the workplace or that has an impact on the workplace even though it is perpetrated outside of the workplace.

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b. Retaliation

This policy also prohibits retaliation against any individual who, in good faith, reports a potential violation of this policy and/or participates or aides in an investigation conducted under this policy.

2. Reporting Prohibited Conduct

a. In General

All threats and acts of workplace violence, both direct and indirect, shall be reported in accordance with this policy. This includes threats by employees, as well as threats by customers, vendors, solicitors or other members of the public. When reporting a threat of workplace violence, the individual should be as specific and detailed as possible.

Cook County encourages employees to bring disputes or differences with other individuals to the attention of their supervisor, manager, law enforcement, or the EEO Office in the Bureau of Human Resources, as appropriate, before the situation escalates into potential violence.

b. Imminent Danger


If an emergency exists and the situation is one of imminent danger, the employee shall take whatever emergency steps are available and appropriate to protect himself or herself from the immediate harm, and contact local law enforcement by dialing 9-1-1, as soon as practicable and subsequently notify a supervisor/manager, and the EEO Office in the Bureau of Human Resources.

c. Other

If the situation is not one of imminent danger, and/or the employee has reason to believe that he/she, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their employment with Cook County, the employee shall notify the supervisor/manager and the EEO Office as soon as practicable so that appropriate action may be taken.

d. Protective or Restraining Orders

Employees who have obtained a restraining order or order of protection, temporary or permanent, against an individual who would be in violation of the order by coming near them or to their workplace, shall immediately supply a copy of the restraining order or order of protection to their supervisor. The employee shall promptly provide copies to the Department Head, the Bureau Chief of Human Resources, and local law enforcement.

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3. Investigations

a. Initiating the Investigation

The EEO Office will promptly and thoroughly investigate, cause to be investigated, or refer to law enforcement for investigation, all reports of workplace violence.

- i. Referral to the Department. If the EEO Office determines that the allegations of the report, even if true, would not violate this policy, but describe conduct that may be of concern to a department head, the EEO Office will promptly forward the report to the relevant department head in writing for further action.
- ii. Referral to the Inspector General’s Office. If the allegations of a report describe conduct that is not regulated by this policy, but if true, may constitute other misconduct of a political nature, waste, fraud or abuse of County property, the EEO Office will promptly forward the report to the Cook County Office of the Independent Inspector General (“OIIG”) in writing for further action. Additionally, the EEO Office will promptly forward any reports made by members of the public alleging that a Cook County employee acting in the scope of his or her employment has engaged in conduct that may violate this policy to the OIIG in writing for further action.
- iii. Referral to the Chief Procurement Officer. Reports involving vendors will be promptly forwarded by the EEO Office to the using department and the Office of the Chief Procurement Officer in writing for further action. The EEO Office will assist the using department, the Chief Procurement Officer, and affected employee to determine and seek appropriate mitigating action.
- iv. Other Alternatives. In situations that the EEO Office deems appropriate, the EEO Office will work with departments to address reports promptly through other courses of action.


b. Duty to Cooperate in Good Faith

All individuals covered under this policy shall cooperate in good faith with the EEO Office in the course of an investigation.

c. Investigation Reports

When the investigation is complete, the EEO Office will prepare an Investigation Report, containing a summary of the evidence, and a finding of whether a policy violation has occurred. The report will state whether the allegations are “sustained” or “not sustained.”

In instances where the EEO Office finds that the allegations are sustained, the Investigation Report shall indicate the specific portion of the policy and/or related

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section(s) of the Personnel Rules that have been violated, and may make a recommendation of discipline to the relevant department.

As a general matter, Investigation Reports will be kept confidential and their distribution limited to senior advisors and management directly involved in implementing the recommendation in the Report. Parties will receive Determination Notices, informing them of the EEO Office's findings.

d. Departmental Response

Within thirty (30) calendar days of receiving an Investigation Report making a sustained finding, the Department Head will advise the EEO Office in writing of the actions taken by the department. The Department Head will indicate whether he or she has followed the recommendation made in the report, taken some other action or taken no action. If the Department Head decides to take some other action or decides to take no action, the Department Head must provide a justification for doing so in the written response to the EEO Office. All disciplinary actions taken pursuant to a recommendation in the Investigation Report shall be in accordance with applicable collective bargaining agreement provisions and/or applicable Personnel Rules.

Although Department Heads are given thirty (30) calendar days to submit a response to the sustained findings and disciplinary recommendation in the Investigation Report, Department Heads are urged to act quickly when violations of the Violence-Free Workplace Policy are sustained by the EEO Office.

K. PENALTIES

Employees found to be in violation of this policy may be subject to discipline, up to and including discharge, in accordance with the County Personnel Rules and/or the applicable collective bargaining agreement.

L. CONFIDENTIALITY

All reports and investigations will be kept confidential, to the extent possible or as authorized by law. To maintain confidentiality, the EEO Office may limit the distribution of the Investigation Report and the Investigation File. In sustained cases in which discipline is recommended, the EEO Office will provide a copy of the Investigation Report to the Respondent's union representative, upon execution of a confidentiality agreement.

M. RESOURCES

General information concerning domestic or sexual violence and available resources may be obtained by contacting the County's Employee Assistance Program (EAP) or respective Personal Support Program.