



CITY OF CHICAGO
DEPARTMENT OF HUMAN RESOURCES
DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY DIVISION

CITY OF CHICAGO VIOLENCE IN THE WORKPLACE POLICY

Effective Date: February 1, 2017

I. STATEMENT OF PURPOSE

The City of Chicago is committed to providing a safe workplace for employees. This Violence in the Workplace Policy (“VIW Policy” or “Policy”) is intended to provide guidelines for reporting and investigating incidents of violent conduct committed by City employees and for taking appropriate remedial action. However, this Policy is not an occupational safety or health policy and does not serve as a workplace violence prevention program.

This Policy is implemented and enforced by the Diversity and Equal Employment Opportunity Division of the Department of Human Resources (“DHR”).

II. DEFINITIONS

A. Violence

Violence means any of the following conduct:

1. Use of physical force against a person or persons or the person’s property;
2. Direct or implied threats that create a reasonable fear of harm to a person or the person’s property;
3. Communications made verbally, electronically or in writing that create a reasonable fear of harm to a person or persons or the person’s property; and/or
4. Use or possession of any weapon, unless, the specific weapon is authorized by the City for a particular work assignment.

B. Weapon

Weapon means any object or substance utilized to threaten or cause harm to another person. Employees who hold a duly-issued Illinois concealed carry permit are required to comply with this Policy.

III. PROHIBITED CONDUCT

A. Violence, as defined above, is prohibited.

B. Retaliation

It is a violation of this Policy to retaliate against any Employee because such an Employee asserted his or her rights by engaging in the following protected activities:

making a good faith complaint of violence in the workplace, or participating in an investigation of violence under this Policy.

Actions which may be considered retaliatory include, but are not necessarily limited to, denial of a promotion, demotion, suspension, or discharge.

IV. DOMESTIC VIOLENCE

The City encourages employees impacted by domestic violence to seek available resources and to advise City personnel and law enforcement as appropriate. An employee who obtains an order of protection that may encompass city premises should notify his or her supervisor and the departmental Violence in the Workplace Liaison. Employees may request leave time or accommodations related to domestic violence pursuant to the Illinois Victim's Economic Safety and Security Act, ("VESSA") and the City's VESSA Policy. Information on Domestic Violence resources is provided at the end of this Policy.

V. APPLICABILITY

A. City Employees

This Policy applies to volunteers and employees of the City of Chicago whether paid or unpaid.

B. Incidents Involving Non-City Employees

1. Members of the public alleging that a City employee acting in the scope of his or her employment has engaged in violence should report complaints to the City of Chicago Office of Inspector General ("OIG"). The EEO Division or the relevant Departmental Liaison will refer such complaints to the OIG in writing.
2. City of Chicago employees who experience violence perpetrated by members of the public should report such conduct to the appropriate law enforcement agency. In addition, employees should comply with incident reporting procedures or other processes established by their department regarding the conduct of members of the public.

C. Scope

This Policy encompasses the conduct of any employee while he or she is acting as an agent or representative of the City, regardless of the location of the incident in question.

VI. LIMITATIONS

Nothing in this Policy is intended to nor shall be construed to create a private right of action against the City of Chicago or any of its employees. Furthermore, no part of this Policy shall be construed to create contractual or other rights or expectations.

Nothing herein is intended to affect the rights of any person to:

- seek any civil or other remedy which may be available to any person arising out of an incident of violence in the workplace; and/or
- raise a grievance under a collective bargaining agreement.

The filing of any complaint pursuant to or as contemplated by this Policy does not toll the statute of limitations or any other deadline for filing any type of legal or administrative claim, charge, complaint, lawsuit, or grievance.

VII. ROLES AND RESPONSIBILITIES OF CITY PERSONNEL

A. Department Heads

1. Designate a departmental Violence in the Workplace Liaison

Department Heads shall designate a Departmental Violence in the Workplace Liaison (“VIW Liaison”) who possesses the necessary skills to assess and investigate incidents of violence and fulfill the other liaison responsibilities set forth in this Policy.

2. Implementation of VIW Policy

Each Department Head must take necessary steps to implement this Policy within his or her department. The Department Head shall make efforts to ensure that the VIW Liaison fulfills the duties established herein.

B. Violence in the Workplace Liaisons

1. Receiving and reporting complaints

VIW Liaisons are responsible for receiving complaints from employees, reporting such complaints to DHR and working with DHR to see that complaints are investigated and resolved as required by this Policy.

2. Investigation of complaints

VIW Liaisons shall conduct investigations of VIW complaints, except in those situations where investigation by DHR is appropriate, as set forth in Section IX (A) of this Policy.

3. General Duty to Report Wrongdoing

In addition, VIW Liaisons must report any wrongdoing to the OIG, as required by Section 2-56-090 of the OIG Rules and Regulations and Executive Order No. 2011-5.

C. Department of Human Resources

The Equal Employment Opportunity Officer (“EEO Officer”), under the supervision of the Deputy Commissioner for Diversity and Equal Employment Opportunity at DHR (“EEO Deputy”), shall advise departments on the investigation of complaints and manage the

complaint investigation process in those cases where the department defers to DHR. The EEO Officer may delegate certain procedures established in this Policy to an EEO Investigator.

D. Supervisors

Supervisors shall assist any employee who wishes to make a VIW complaint by directing the employee to their departmental VIW Liaison or providing the VIW forms.

Supervisors must respond to any aggressive or inappropriate behavior which could lead to violence by notifying the departmental VIW Liaison or law enforcement authorities, as warranted.

E. Employees

Employees are expected to refrain from engaging in violence, and to report incidents of violent or potentially violent conduct in accordance with the procedures described in this Policy.

In addition, employees must report any wrongdoing to the OIG, as required by Section 2-56-090 of the OIG's Rules and Regulations and Executive Order No. 2011-5.

The City does not expect employees to be skilled at identifying potentially dangerous persons, however, in an effort to help maintain a safe work environment, employees should exercise good judgment and inform their supervisor, VIW Liaison, or the Diversity and Equal Employment Opportunity Division at DHR if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes, but is not limited to:

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

VIII. REPORTING AND MAKING COMPLAINTS

A. Reporting

Employees should report conduct they believe may violate this Policy to their VIW Liaison, to any supervisor in their department, or to the Diversity and Equal Employment Opportunity Division at DHR. Contact information is provided at the end of this Policy. Employees who wish to make a complaint should complete the Violence in the Workplace Incident Report form.¹

¹ A sample of this form is attached as APPENDIX A to this Policy. The official forms are available on the DHR website. Guidance on completion of all VIW documents is included in the *Violence in the Workplace Investigative Guidelines* to be provided to all VIW Liaisons.

If warranted, employees should report any possible violation of criminal law to law enforcement.

B. Time Limits

The City encourages its employees to immediately raise concerns about potentially violent situations. Complaints of violent conduct must be made no later than sixty (60) calendar days after the date on which the alleged violent conduct occurred.

Complaints alleging retaliation must be made no later than ninety (90) calendar days after the date that the Employee engaged in protected activity.

C. Chicago Police Department and Chicago Fire Department

Complaints concerning employees of the Chicago Police Department or the Chicago Fire Department must be made and processed in accordance with the General Orders in effect in those departments.

IX. INVESTIGATION OF COMPLAINTS

A. Investigation by the Department

Departmental VIW Liaisons shall conduct the investigation of VIW complaints, except in the limited circumstances described below:

1. The complaint includes allegations naming a Department Head or any member of the department's senior staff as the Respondent;
2. The Complaint alleges that the VIW Liaison is the perpetrator;
3. The complaint includes allegations of retaliation for engaging in protected activities as stated in this Policy; and/or
4. The complaint also alleges violations of the City of Chicago's Diversity and Equal Employment Opportunity Policy.

If any of the circumstances above exist, the VIW Liaison shall advise the EEO Officer in writing that the department is precluded from investigating the matter and therefore the investigation must be done by DHR.

If the VIW Liaison has determined that none of the above circumstances exist and therefore an investigation by the Department is appropriate, the liaison should request an investigation file number from DHR's EEO Division. Once a file number has been assigned, the VIW Liaison should proceed with the investigation.

VIW Liaisons may contact the EEO Officer for guidance with departmental investigations. Investigators should review the procedures described in the *Violence in the Workplace Investigative Guidelines*.

B. Investigation by DHR

If it is determined that one of the limited circumstances described above exists and therefore DHR must perform the investigation pursuant to this Policy, the EEO Officer shall institute an investigation and consult with the VIW Liaison as needed.

C. Duty to Cooperate

All employees shall cooperate with DHR and VIW Liaisons in the course of an investigation under this Policy. Failure to cooperate may subject an employee to discipline, as stated in the City of Chicago Personnel Rules.

Any employee, who knowingly makes a false accusation of violence or retaliation or knowingly provides false information in the course of an investigation, may be subject to discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

D. Investigation Reports

1. Findings and Recommendations

When the investigation is complete, the VIW Liaison, or the EEO Officer in cases of deferral to DHR, will prepare an Investigation Report containing a summary of the evidence, and making a finding of whether a Policy violation has occurred. The report will state whether the allegations are “sustained” or “unsustained.” In instances where the allegations are sustained, the Investigative Report shall include a recommendation of discipline. Guidance on preparing the report will be included in the *Violence in the Workplace Investigative Guidelines*.

2. Report Distribution

The VIW Liaison shall submit the Investigation Report to the EEO Officer and shall copy the relevant Department Head(s). In addition, if the report contains a sustained finding, the Commissioner of the Department of Human Resources and City of Chicago Office of Inspector General shall be copied on the Report.

In cases where the investigation is conducted by DHR, the EEO Officer shall submit the Investigation Report to the relevant VIW Liaison and Department Head(s). In addition, if the report contains a sustained finding, the Commissioner of the Department of Human Resources and City of Chicago Office of Inspector General shall be copied on the Report.

E. Notification of parties

The VIW Liaison or the EEO Officer, as appropriate, shall provide written notification to the Complainant and the Respondent advising them of the outcome of the investigation, omitting any reference to recommended discipline.

In sustained cases only, the VIW Liaison or the EEO Officer shall provide the Investigation Report to the Respondent, upon request of the Respondent. The Complainant is not entitled to a copy of the Investigation Report.

F. Reporting on Action Taken

In cases where the investigation has been deferred to DHR, within thirty (30) calendar days of receiving an Investigation Report making a sustained finding, the Department Head or the VIW Liaison will advise the EEO Officer in writing of the actions taken by the department, stating whether the department has followed DHR's recommendation or taken some other action.

G. Confidentiality

All complaints and investigations will be kept confidential, to the extent possible. However, in certain circumstances the EEO Division is required by law to disclose information related to an investigation.

X. OTHER OPTIONS FOR RESOLUTION OF COMPLAINTS

A. Conduct Outside the Policy Determination

If, upon review of the VIW forms, the VIW Liaison or EEO Officer determines that the complaint describes conduct that does not constitute violence as defined by the Policy, no investigation will be conducted. The VIW Liaison will inform Complainant of this determination in writing. In cases where a complaint was made directly to the EEO Division, and the EEO Officer determines that it alleges conduct outside the Policy, the EEO Officer will direct the VIW Liaison to inform the Complainant in writing.

Once a Conduct Outside the Policy determination has been made, the Department Head may proceed with discipline pursuant to the City of Chicago Personnel Rules or any department rule or policy.

B. Referral to Inspector General

If the allegations of a complaint describe conduct that may constitute misconduct that is not covered by this Policy, the EEO Officer or the departmental VIW Liaison may refer the matter in writing to the City of Chicago Office of Inspector General.

C. *Other alternatives, as appropriate*

In appropriate situations, the EEO Division will work with departments to address complaints through mediation, counseling, providing written guidance, or other courses of action as determined by the EEO Officer.

XI. TRAINING and AWARENESS

Training for VIW Liaisons, supervisors and all other employees will be conducted by DHR under the direction of the EEO Officer.

Departmental VIW Liaisons will take steps to communicate this Policy and related procedures to all department staff, including employees in all field locations. Communication measures should include posting the VIW Liaison's contact information, along with contact information for the EEO Division, in common areas such as break rooms or cafeterias, and adding such contact information to online resources utilized by employees. VIW Liaisons must provide employees with a copy of this Policy, and any relevant forms, at the employee's request.

XII. PENALTIES

Employees found to be in violation of this Policy will be subject to discipline, up to and including discharge.

Supervisory employees are expected to set an example of acceptable workplace behavior. Accordingly, discipline recommended for any supervisor found to have violated this Policy, for engaging in violent conduct and/or for failing to report, will be consistent with this expectation.

XIII. CONTACT INFORMATION

A. *The Diversity & EEO Division*

Employees may contact the Diversity and EEO Division in person, by email or by phone, using the contact information below. Our office hours are 8:30 a.m. to 4:30 p.m.

City of Chicago Department of Human Resources
Diversity and Equal Employment Opportunity Division
121 N. LaSalle Street, Room 1100
Chicago, IL 60602
Phone (312)744-4224
Facsimile (312) 744-1521
TTY (312)744-5035
Email: eeodiversity@cityofchicago.org

B. Domestic Violence Resources

Domestic Violence Help Line

Phone: 1-877-863-6338, TTY: 1-877-863-6339

Resource information for victims of domestic violence:

http://www.cityofchicago.org/city/en/depts/fss/provdrs/dom_violence.html

C. Employee Assistance

City of Chicago Employee Assistance Program

Phone: 1-312-744-9711; TTY: 1-877-744-5035

D. Office of Inspector General

City of Chicago Office of Inspector General

740 N. Sedgwick, Suite 200

Chicago, IL 60654

Phone: 773-478-7799 or (866) IG-TIPLINE

TTY: 773-478-2066

Facsimile 773-478-3949

Website: <http://chicagoinspectorgeneral.org/>

APPENDIX A-
Sample Violence in the Workplace Incident Report form



**CITY OF CHICAGO
VIOLENCE IN THE WORKPLACE**

INCIDENT REPORT

Office Use Only
Case Number: _____

This form is to be completed by individuals involved in incidents of violence, as described in the City of Chicago Violence in the Workplace Policy. After completing this form it should be signed and dated and submitted to the Violence in the Workplace liaison for the employee's department.

EMPLOYEE INFORMATION	
First Name:	Last Name:
Job Title:	
Department:	
Phone Number:	
INCIDENT INFORMATION	
Date of Incident:	
Location of Incident:	
WHAT IS YOUR ROLE IN THIS INCIDENT?	
<i>Note: This form should be filled out individually by only one of the following participants: the person complaining ("Complainant"), the alleged perpetrator ("Respondent"), or anyone who witnessed the incident or was identified as a witness ("Witness").</i>	
_____ Complainant _____ Respondent* _____ Witness	
<i>*If you are the Respondent, you have a right to consult with your union representative or legal counsel before completing this form.</i>	
Description of the Incident	
Please describe the incident, and your role in this incident. Provide details, such as descriptions of any injuries or property damage. Print legibly below. <i>Please attach additional pages if needed. Any additional pages should be signed and dated.</i>	

Description of the Incident (continued)

WITNESS INFORMATION

Please provide the name of anyone who was a witness to this incident.

1.

2.

3.

EMPLOYEE SIGNATURE

NOTE: Under the City's Personnel Rules, you have an obligation to cooperate with the Department of Human Resources and your department in investigations conducted under the Violence in the Workplace policy, and to provide complete and truthful information. Failure to meet these obligations may lead to discipline.

Signature

Date:

Printed Name

*If you are the Respondent, you have a right to consult with your union representative or legal counsel before completing this form.