



COUNTY OF ALAMEDA ABUSIVE CONDUCT PREVENTION POLICY

POLICY

Alameda County is committed to providing a work environment free from abusive conduct and where all employees are treated with courtesy and mutual respect. The County will take appropriate corrective actions, up to and including formal discipline, when employees engage in abusive workplace conduct, as defined in this policy.

DEFINITION

The State of California Government Code Section 12950.1 defines abusive conduct as the “conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include:

- repeated infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets,
- verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or
- the gratuitous sabotage or undermining of a person’s work performance.

A single act shall not constitute abusive conduct, unless especially severe and egregious.”

The abusive conduct need not be tied to a protected characteristic such as race, national origin, gender, sexual orientation, gender identity, disability or marital status.

RESPONSIBILITY

Compliance with this policy is the responsibility of both management and employees at all levels. All employees are responsible for ensuring that abusive conduct does not occur by complying with the conduct standards in this policy and by conducting themselves at all times in an appropriate and professional manner. Management is responsible for setting the tone for a work environment free of abusive conduct and for taking appropriate measures, whether or not a complaint has been received, whenever they witness or learn of behavior which could be perceived as abusive. Training on the prevention of abusive conduct is included in the bi-annual training on preventing sexual harassment. This training is mandatory for supervisory Alameda County employees in compliance with State laws.

Conduct that an employee reasonably believes to be in violation of this policy is to be reported to an appropriate manager or agency/department Human Resources Officer.

COVERAGE

This abusive conduct policy extends to the conduct of all County personnel towards any applicant or employee. In addition, any employee who, while acting in his or her capacity as a County employee, engages in abusive conduct directed towards a contractor, vendor, client, customer, visitor or other individual affiliated with the County, will also be subject to disciplinary action.

Similarly, the County will not tolerate abusive conduct of its employees, applicants, or contractors, by non-employees, such as third party contractors, vendors, clients and/or customers. The County should be immediately alerted to any such conduct so that it can take immediate and appropriate corrective action, and best attempt to prevent further misconduct.

RETALIATION PROHIBITION

The County prohibits retaliation against anyone for reporting abusive conduct, registering a complaint pursuant to the policy, assisting in making a complaint, or cooperating in an investigation. Any employee who makes a complaint regarding behavior the employee reasonably and in good faith believes is abusive conduct; assists, testifies, or participates in any abusive conduct investigation or proceeding; or who reasonably opposes such conduct in the workplace, will not be adversely affected in the terms and conditions of his or her employment, and will not be discriminated against for engaging in such activity.

Complaints of retaliation will be promptly investigated. If retaliation is substantiated, appropriate disciplinary action, including possible dismissal, will be taken.

Every employee, whether witness, complainant or alleged harasser, is expected to cooperate fully with every investigation. Confidential or sensitive information obtained by any employee during the course of an official investigation, whether acquired as a witness, complainant, respondent, or representative, shall only be disclosed to others as required by law, by due process, or as circumstances require to take preventive or corrective action. Information provided pursuant to this policy will be handled as sensitively as possible and will not unnecessarily be disclosed to others.