

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA FILED

IN AND FOR THE COUNTY OF MOHAVE

BY: KS

2012 FEB 14 PM 4:27

VIRLYNN TINNELL
SUPERIOR COURT CLERK

IN THE MATTER OF:

APPROVING THE IMPLEMENTATION OF)
SUPERIOR COURT POLICY AND)
PROCEDURE 2.01 'WORKPLACE VIOLENCE')
_____)

ADMINISTRATIVE ORDER
2012-13

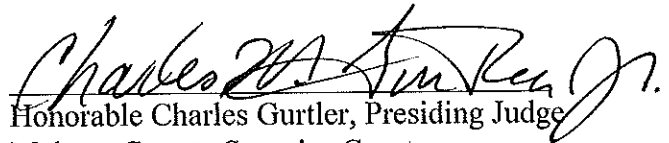
WHEREAS, employees are the Court's most valuable resource and their safety and security are essential to carrying out their responsibilities;

WHEREAS, maintaining a violence free workplace requires the commitment, involvement and cooperation of court management and employees;

WHEREAS, implementation of workplace violence policy and procedure will assist the Court in communicating what constitutes prohibited behavior and in defining proper reporting and response procedures;

IT IS ORDERED, that the attached Mohave County Superior Court Policy and Procedure 2.01 'Workplace Violence' be adopted for implementation effective this date.

DATED this 13/14 day of Feb., 2012.


Honorable Charles Gurtler, Presiding Judge
Mohave County Superior Court

Original filed with the Clerk of the Superior Court in Mohave County

MOHAVE COUNTY SUPERIOR COURT POLICY AND PROCEDURE

TITLE: 2.01 WORKPLACE VIOLENCE

EFFECTIVE DATE: 02/14/2012

REVISED DATE:

A. PURPOSE:

The Superior Court is committed to providing a safe environment for its employees, users of court facilities, and the public. Violence, threats of violence, threatening conduct, or acts of aggression or violence in the workplace will not be tolerated. It is every employee's duty to maintain a safe workplace. The workplace is any location in which employees perform work on behalf of the Superior Court. Employees who violate this policy shall be subject to disciplinary action, up to and including dismissal. Non-employees engaged in violent acts on Court premises shall be reported to the proper authorities.

B. PROHIBITED BEHAVIOR:

This list of behaviors, while not all inclusive, provides examples of conduct that is prohibited:

- Causing physical injury to another person
- Making threatening remarks
- Oral or written statements, gestures, behaviors, or expressions that communicate a direct or indirect threat of physical harm
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress
- Intentionally damaging employer property or property of another person
- Possession of a firearm and/or other lethal weapons in the workplace, except for Security personnel, judicial officers, and others required to handle or possess these items as part of their job duties
- Committing acts motivated by, or related to, harassment or domestic violence

C. REPORTING PROCEDURES:

Any employee who feels as though he or she is in immediate threat of danger should contact Court Security or call 9-911 for assistance. The Court shall actively intervene if there is a possibility of violence.

If prohibited conduct occurs and there is no threat of immediate danger, an employee shall report the conduct to their supervisor or Division Head. Supervisors receiving such reports shall immediately notify their Division Head. Division Heads shall report violations or suspected prohibited conduct to the Court Human Resource Manager promptly. However, if a supervisor or Division Head concludes that there may be an immediate threat or danger, the supervisor or Division Head shall contact Court Security or call 9-911 for assistance. Any employee who fails to report violations or suspected prohibited conduct shall be subject to disciplinary action up to and including dismissal.

Additionally, employees who believe a crime has been committed against them during the course of court employment, have the right, and are encouraged, to report the incident to the appropriate law enforcement agency.

D. CONFIDENTIALITY:

Workplace violence reports or incidents warranting confidentiality shall be handled appropriately and information shall be disclosed to others only on a need-to-know basis. Employees who are contacted as part of an investigation shall maintain confidentiality during the investigative process. Failure to comply with this requirement may result in disciplinary action, up to and including dismissal.

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E. NON-RETALIATION:

Any form of retaliation by person(s) against any complaining person, participating witness, and/or person cooperating in an investigation will not be tolerated and shall be grounds for disciplinary action.

F. FALSE ACCUSATIONS:

Any person who knowingly makes a false accusation of workplace violence against any person shall be subject to disciplinary action up to and including dismissal.

G. INVESTIGATION OF WORKPLACE VIOLENCE REPORTS OR INCIDENTS:

Upon receipt of a workplace violence report or incident, the Division Head in consultation with the Court Administrator, shall direct that a prompt and thorough investigation be conducted. The investigation may be conducted by Court Human Resources, designated individuals in the reporting employee's court division, through a joint effort between the reporting employee's division and Court Human Resources, or through an outside investigator as deemed appropriate. All employees contacted as part of the investigative process have a responsibility to fully cooperate and provide information or other assistance that may be needed to ensure that a prompt, complete and fair investigation can be conducted. This may include documenting an experience or observation(s) relevant to the workplace violence report or incident. Refusing to cooperate in the investigation, refusing to answer, answering incompletely, or answering untruthfully to questions related to the investigation, or attempting to undermine or discourage an investigation may result in disciplinary action, up to and including dismissal.

H. INVESTIGATION PROCEDURES:

The person(s) assigned to investigate a workplace violence report or incident shall proceed in a fair and impartial manner. The investigator shall initiate an investigation to gather relevant facts and may schedule interviews with employees, managers, or witnesses who may have relevant information. The investigator will work with the court divisions involved to obtain and evaluate relevant evidence. Prior to the commencement of an investigation of a probation, surveillance or juvenile detention officer, the investigator shall consult with Court Human Resources for the purpose of ensuring that the investigation is conducted in accordance with A.R.S. § 38-1101.

During the investigation process and/or following a review of the allegations made by the reporting employee and any witness(es), the accused employee will have an opportunity to respond to the allegations.

Once the investigation is complete, the investigator shall forward a written report documenting the investigator's findings and conclusion as to whether a violation of this policy has occurred to the accused employee's Division Head.

I. CORRECTIVE ACTION:

If a violation of this policy or prohibited conduct has occurred, the involved Division Head in consultation with the Court Human Resource Manager, will determine and implement prompt and appropriate action, which may include disciplinary action, up to and including dismissal. A finding that the conduct does not constitute a violation of this policy does not limit the Division Head's right and responsibility to take corrective action.

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J. COMMUNICATION OF INVESTIGATION RESULTS:

The investigative file, including witness statements, investigative notes, as well as a resulting report, are confidential records, except to the extent disclosure is required by law. Court Human Resources shall maintain the confidential investigative file separate and apart from the employee personnel files. The results of the investigation will be discussed to the extent appropriate with the reporting employee and the accused employee.

K. PROTECTIVE/RESTRAINING ORDERS AND INJUNCTIONS AGAINST HARASSMENT:

Any employee who obtains a protective or restraining order that lists their place of employment as a protected area must provide a copy of the order to their Division Head upon hire or upon obtaining the order and a description of the individual cited in the order, including a recent photo if available. If the order involves another Superior Court employee, the employee must provide a second copy of the order to be given to the other employee's supervisor. The Division Head shall promptly provide the order and related information to the Court Security Manager.

Upon approval of the Court Administrator, the Division Head may seek an injunction against workplace harassment pursuant to A.R.S. §12-1810 if there is reasonable evidence to believe great or irreparable harm would result to the employer or other person who enters the employer's property or who is performing official work duties. If granted, the injunction provides the legal right to refuse an individual entry to the employer's premises and prohibits the individual from contacting the employer or other person while that person is on or at the employer's property or place of business or is performing official work duties.

L. RISK REDUCTION MEASURES:

It is the responsibility of every employee to exhibit professional and safe conduct while at work and report to the employee's supervisory chain of command or Court Security any employee or visitor exhibiting behavior that could create a potentially dangerous or threatening situation that may affect workplace safety.

M. EDUCATION AND AWARENESS:

All employees will be given a copy of this policy and all new employees will receive a copy as part of their orientation. As necessary the Court shall provide education and training for Judges and judicial employees regarding this policy.