



AGENDA REPORT
April 24, 2018

DEPT/OFFICE:

District 3

REQUESTED ACTION:

Board consideration of the attached policy.

SUMMARY EXPLANATION and BACKGROUND:

The attached policy, BCC-05, entitled "Zero-Tolerance of Workplace Violence," is amended in part to allow employees who hold a concealed-carry permit to, subject to certain limitations, carry a single firearm or electronic weapon (i.e. 'taser') during the workday.

ATTACHMENTS:

Description

- ▣ **Redline BCC-05**
- ▣ **Clean BCC-05**



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April 25, 2018

M E M O R A N D U M

TO: Frank Abbate, County Manager

RE: Item VI.F.4., Amendment to Policy BCC-05 – Zero Tolerance of Workplace Violence

The Board of County Commissioners, in regular session on April 24, 2018, approved amended Policy BCC-05, Zero Tolerance of Workplace Violence.

Upon revision, please forward the amended Policy to this office for the Chair's signature, attestation, distribution, and inclusion in the official minutes.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

cc: Human Resources Director
County Attorney

POLICY

NUMBER: BCC-05

CANCELS

APPROVED:

ORIGINATOR: Human Resources

REVIEW:

TITLE: Zero Tolerance of Workplace Violence

I. OBJECTIVE

To establish and maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. As a result, any threats or acts of violence made by or to an employee, against another person's life, health, well being, family or property will not be tolerated.

II. DEFINITIONS AND REFERENCES

- A. Workplace: includes any place, site, or vehicle owned and/or operated by Brevard County, or any place where and while a Brevard County employee is conducting County business.
- B. Violence: any act or instance of intentional physical harm or the threat of harm. The Board recognizes family violence, violence at work, and any other exposure to violence can affect an employee's work performance. The Board acknowledges all human relationships have the potential for conflict that may result in incidental or sustained violence. Violence may be a consequence of the actions of employees, supervisors, customers, clients, vendors, or any other person.
- C. "Weapon" means any dirk, knife, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife. Florida Statute 790.001(13)
- D. "Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime. Florida Statutes 790.001(6)
- E. "Electric weapon or device" means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury. Referred to as "electric weapon" below. Florida Statute 790.001(14)

III. DIRECTIVES

A. EXPECTATIONS

1. All Brevard County managers, directors, supervisors, and employees are to treat each other, their customers and clients, and all others with courtesy, dignity, and respect. Violence, threats, harassment, physical or psychological intimidation, assault or physical abuse, vandalism, sabotage, arson, and any other disruptive behaviors in our workplace are not acceptable and will not be tolerated.
2. To the extent permitted by law, the County prohibits the possession of weapons or firearms, as defined by Section 790.001, Florida Statutes, on County premises or properties; provided, however, that this prohibition does not apply in the following circumstances:
 - a Possession of a firearm, weapon or electric weapon is permitted when it is a necessary and approved requirement of the employee's job including, but not limited to, law enforcement. The employee shall be required to have any necessary State of Florida licenses prior to being authorized to possess a weapon or firearm under this exception.
 - b Other than as stated in 2.a.above, possession of a single handgun, or electric weapon (both referred to as "weapon" below) by an employee is permitted when an employee is properly licensed under Section 790.06, Florida Statutes, to the extent permitted by law, subject to the following limitations:
 - i An employee possessing a handgun or weapon under this subsection must retain control of it, on their person, at all times.
 - ii A handgun or weapon or carried under this subsection may not be left in an unoccupied county vehicle.
 - iii An employee possessing a handgun or weapon under this subsection must keep such handgun or weapon concealed.
 - iv An employee is not permitted to carry a handgun or weapon under this subsection during a workday in which there is a reasonable possibility that her/his duties will include being within a facility in which possession of such weapon is prohibited under law
 - v An appointing authority has the authority to prohibit a given class or group of employees from possessing a handgun or weapons otherwise permitted under this subsection upon a determination by the appointing authority that the nature of duties or circumstances of the employee's work environment renders the carrying of such handgun or weapon impractical or unsafe
 - c A lawfully owned weapon or firearm is permitted in a privately owned and locked vehicle in a parking lot when an employee or citizen complies with Section 790.251, Florida Statutes.
 - d Pursuant to Florida Law 790.06(12), an employee is not authorized to openly carry a handgun or carry a concealed weapon into: any sheriff station or precinct, any detention center or jail, any courthouse or courtroom, any polling place, any meeting of the Board of County Commissioners, any meeting of a special district, any meeting of the Legislature or a committee thereof, or inside the passenger terminal of an airport provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for

shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft.

- B. TRAINING: Brevard County will conduct a workplace violence training program.
- C. NON-RETALIATION: This policy prohibits retaliation against any employee who brings complaints of violent or intimidating behavior, or who helps in investigating complaints; the employee will not be adversely affected in terms and conditions of employment, nor discriminated against, or discharged because of the complaint.
- D. DISCIPLINE

All managers have a responsibility to immediately intervene when any employee displays conduct which violates this policy. In situations where employee safety is at risk or the security of property is an issue, the supervisor, at his/her discretion and in accordance with Brevard County's disciplinary policies and procedures, may engage the assistance of law enforcement to remove the threatening employee.

Any employee deemed responsible for conduct that is prohibited by this policy is subject to disciplinary action appropriate to the specific incident, up to and including termination from employment, and civil or criminal penalties.

IV. RESERVATION OF AUTHORITY

The authority to issue and/or revise policies is reserved to the Board of County Commissioners.

POLICY

NUMBER: BCC-05

CANCELS: 8/19/08

APPROVED: 04/28/15

ORIGINATOR: Human Resources

REVIEW: 04/28/2018

TITLE: Zero Tolerance of Workplace Violence

I. OBJECTIVE

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2. ~~No employee shall possess or use any weapon or firearm on Brevard County Property, or in Brevard County vehicles. The exception is law enforcement or security personnel engaged in official duties, training or activities; and for citizens and employees with legally owned firearms inside or locked to a privately owned motor vehicle in a parking lot, as provided by Florida Statute. To the extent permitted by law, the County prohibits the possession of weapons or firearms, as defined by Section 790.001, Florida Statutes, on County premises or properties; provided, however, that this prohibition does not apply in the following circumstances:~~
 - a. Possession of a firearm, weapon or electric weapon is permitted when it is a necessary and approved requirement of the employee's job including, but not limited to, law enforcement. The employee shall be required to have any necessary State of Florida licenses prior to being authorized to possess a weapon or firearm under this exception.
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 - iii. An employee possessing a handgun or weapon under this subsection must keep such handgun or weapon concealed.
 - iv. An employee is not permitted to carry a handgun or weapon under this subsection during a workday in which there is a reasonable possibility that her/his she/he's duties will include being within a facility in which possession of such weapon is prohibited under law
 - v. An appointing authority has the authority to prohibit a given class or group of employees from possessing a handgun or weapons otherwise permitted under this subsection upon a determination by the appointing authority that the nature of duties or circumstances of the employee's work environment renders the carrying of such handgun or weapon impractical or unsafe
 - c. A lawfully owned weapon or firearm is permitted in a privately owned and locked vehicle in a parking lot when an employee or citizen complies with Section 790.251, Florida Statutes.
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County Commissioners, any meeting of a special district, any meeting of the Legislature or a committee thereof, or inside the passenger terminal of an airport provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft.

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