

V.B.



**AGENDA REPORT  
May 22, 2018**

**\* Workplace Violence / Concealed Carry Policy BCC-05**



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May 22, 2018**

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**SUBJECT:**

Workplace Violence / Concealed Carry Policy BCC-05 policy review and revisions pursuant to Board direction on April 24, 2018.

**FISCAL IMPACT:**

None

**DEPT/OFFICE:**

County Attorney Office

**REQUESTED ACTION:**

Approve the revisions made to BCC-05 pursuant to Board direction on April 24, 2018 and additional changes recommended by staff.

**SUMMARY EXPLANATION and BACKGROUND:**

Pursuant to this Board's direction on April 24, 2018, staff incorporated those changes to BCC-05 as directed.

- Section III.2.b.iii. – added language that allows an employee (who has a concealed carry permit) to carry a concealed weapon by securing handgun or weapon in his/her purse, briefcase or backpack. It also allows an authorized employee to secure a handgun/weapon in a locked desk or cabinet drawer under their control.

Additional changes recommended by staff are as follows:

- Section III.A.2.d – as a result of speaking with various staff, it became apparent we needed to expand the list of areas where employees are prohibited by law from carrying a concealed weapon to match state statute. Initially only County owned

facilities under the control of the County were included; however, there are a number of employees who, because of their job duties, regularly may need to go to or enter a facility where statute prohibits a concealed weapon (for example, Fire Rescue employees entering hospitals, schools, etc.; fire inspectors enter many types of facilities). For this reason, staff felt it was important to add the entire list of facilities where concealed carry is prohibited as contemplated by state statute so that employees would have easy access to the list.

- Section III.D. 2nd paragraph - added a provision that if an employee violates the Workplace Violence Policy and discipline is taken, a consequence could be to revoke the authorization to carry a concealed handgun or weapon as authorized in the policy. It is not intended that revocation of the ability to 'carry' would be a disciplinary consequence for other types of violations of Merit System policies that do not involve a threat or violence.
- Section II.F. and Section III.A.2.e. - added provisions allowing an employee to carry a self-defense chemical spray. The first change is a definition and the second change authorizes the carrying of it. This has been unclear in the previous policy.
- Section III.A.2.v. – added provision giving example where appointing authority could prohibit concealed carry – where employee's duties could take employee to facility where such is prohibited.

Contact: Jerry Visco, Human Resources Director, 321-633-2034; Shannon Wilson, Deputy County Attorney, 321-633-2090.

**CLERK TO THE BOARD INSTRUCTIONS:**

Send signed original to County Manager's Office.

**ATTACHMENTS:**

**Description**

- **BCC05-Redline Policy**
- **BCC 05 Clean Copy**



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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Tammy.Rowe@brevardclerk.us

May 23, 2018

**M E M O R A N D U M**

**TO:** Frank Abbate, County Manager

**RE:** Item V.B., Amendment to Policy BCC-05, Zero Tolerance of Workplace Violence

The Board of County Commissioners, in regular session on May 22, 2018, approved revision to Policy BCC-05, Zero Tolerance of Workplace Violence, pursuant to Board direction on April 24, 2018, and additional changes recommended by staff. Enclosed is the fully-executed Policy.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK**

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: County Attorney  
Human Resources Director



# POLICY

TITLE: Zero Tolerance of Workplace Violence

NUMBER: BCC-05  
CANCELS 04-28-15  
APPROVED: 5-22-18  
ORIGINATOR: Human Resources  
REVIEW: 05-22-21

## 1. 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, wellbeing, 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. "Concealed Weapon" means any dirk, knife, metallic knuckles, 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(3)(a), (13) carried on or about the person in a manner to conceal the weapon from the ordinary sight of another person.
- 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)

- F. "Self Defense Chemical Spray" means a device carried solely for the purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemical. Florida Statute 790.001(3)(b)

### 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 concealed handgun, weapon 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 carried under this subsection may not be left in an unoccupied county vehicle at any time.
    - iii An employee possessing a handgun or weapon under this subsection must keep such handgun or weapon concealed. An employee may secure a concealed handgun or weapon in a locked drawer (for example, desk or filing cabinet) exclusively under the employee's control meaning only the employee has a key to the lock. An employee may conceal the handgun or weapon in his/her purse, briefcase or backpack, but must keep such purse, etc., in his/her direct control at all times (for example, an employee securing a handgun in a backpack, must carry the backpack with them at all times).
    - 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 in, at or 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 (for example, the possibility the employee's

duties involve entering on or into facilities where carrying a concealed firearm or weapon is prohibited by law).

- 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 firearm or weapon into:
  - i. Any place of nuisance as defined in s.823.05;
  - ii. Any police, sheriff, or highway patrol station;
  - iii. Any detention facility, prison or jail;
  - iv. Any courthouse;
  - v. Any courtroom;
  - vi. Any polling place;
  - vii. Any meeting of the governing body of a county, public school district, municipality, or special district;
  - viii. Any meeting of the Legislature or a committee thereof;
  - ix. Any school, college, or professional athletic event not related to firearms;
  - x. Any elementary or secondary school facility or administration building;
  - xi. Any career center;
  - xii. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
  - xiii. Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
  - xiv. The 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.
  - xv. Any place where the carrying of firearms is prohibited by law.
- e. An employee is authorized to carry self-defense chemical spray as defined herein for his/her personal protection.

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 (which could include revocation of the authorization to carry a concealed weapon or handgun as authorized herein), 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.



Scott Ellis, Clerk



Rita Pritchett, Chair  
Board of County Commissioners  
Brevard County, Florida

As approved by the Board on MAY 22 2018

# 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.

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- 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)
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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 **concealed** handgun, **weapon** 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 carried under this subsection may not be left in an unoccupied county vehicle **at any time**.
    - iii An employee possessing a handgun or weapon under this subsection must keep such handgun or weapon **concealed**. **An employee may secure a concealed handgun or weapon in a locked drawer (for example, desk or filing cabinet) exclusively under the employee's control meaning only the employee has a key to the lock. An employee may conceal the handgun or weapon in his/her purse, briefcase or backpack, but must keep such purse, etc., in his/her direct control at all times (for example, an employee securing a handgun in a backpack, must carry the backpack with them at all times).**
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duties involve entering on or into facilities where carrying a concealed firearm or weapon is prohibited by law).

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  - i. Any place of nuisance as defined in s.823.05;
  - ii. Any **police**, sheriff, or **highway patrol** station; ~~or precinct;~~
  - iii. Any detention **facility**, **prison center** or jail;
  - iv. Any courthouse;
  - v. Any courtroom;
  - vi. Any polling place;
  - vii. Any meeting of **the governing body** ~~Board~~ of a county, public school district, municipality, or ~~County Commissioners~~, any meeting of a special district;
  - viii. Any meeting of the Legislature or a committee thereof;
  - ix. Any school, college, or professional athletic event not related to firearms;
  - x. Any elementary or secondary school facility or administration building;
  - xi. Any career center;
  - xii. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
  - xiii. Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
  - xiv. ~~The~~ ~~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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Scott Ellis, Clerk



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Rita Pritchett, Chair  
Board of County Commissioners  
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As approved by the Board on MAY 22 2018