3-01/030.35 - Workplace Violence and Retaliation Policy/Outside Vendor

Definition of Vendor

A vendor is defined as any private company and its employees, and any individual who has a contract(s) with the Department or Los Angeles County, i.e., construction firms, consultants, etc.

Pre-Contracting Procedures

The Ombudsperson/Career Resources Center shall maintain information relative to allegations of workplace violence made against vendors.

Prior to hiring a vendor, Unit Commanders shall contact the Ombudsperson/Career Resources Center to determine whether or not any complaints have been received against the vendor in the past. If the vendor has a record of founded complaints, the Department may choose to decline to contract with that vendor.

Contract/Agreement

During the time that a vendor is at a Sheriff's facility, the vendor is subject to applicable Department and facility rules, regulations and procedures.

Vendors shall agree to comply with all applicable Federal, State and local laws, rules, regulations or ordinances. Vendors shall specifically recognize and agree that a violation shall constitute a material breach of contract upon which the Department may determine to terminate or suspend the contract.

Reporting Acts of Workplace Violence by Vendors

The Department may be held liable for acts of workplace violence committed by vendors where the Department has notice of the improper conduct. Any reports of workplace violence against vendors must be addressed by the concerned Unit Commander in the following manner:

Complainant

The Unit Commander shall ensure that the complainant is not placed in a position where he or she will continue to work or have contact with the accused vendor. A complainant should not, if possible, be assigned to a less desirable assignment or shift to avoid contact with an accused vendor.

In all instances, a supervisor shall, with extreme priority, notify the Ombudsperson/Career Resources Center. A member of the Ombudsperson's staff shall conduct an assessment interview of the complainant, if the complainant is an employee of the Sheriff's Department.

If the vendor is the complainant and the subject is an employee of the Sheriff's Department, the concerned Unit Commander shall utilize existing "Citizen Complaint" procedures (Refer to section 3-04/010.00).

Vendors Who Contract Directly With the Department

Unit Commanders shall notify the vendor(s) about the alleged conduct. If the subject is an employee of the vendor, it is the responsibility of the vendor to notify the subject of the complaint.

Vendors Who Contract With the Department Through Internal Services Department (ISD)

Unit Commanders shall notify the Director of ISD/County Purchasing Agent or the General Manager of Purchasing and Central Services. Complaints will be handled on a case-by-case basis. ISD will confer with the Department, and, if necessary, County Counsel. Any communication with the vendor will be the responsibility of ISD.

Self-Employed Vendor

If the vendor is self-employed or under direct contract with the Department, the Unit Commander shall obtain counsel from the Department's Legal Advisor prior to taking action to dismiss the vendor.

Unit Commander - Surrender of Vendor Pass

The Unit Commander may immediately remove the vendor's pass if exigent circumstances require such removal. In determining if exigent circumstances exist, the Unit Commander must consider the risk of violence, the nature and severity of the violence or threat of violence.

Where exigent circumstances do not exist and the Unit Commander requires an employee of a vendor to surrender his or her pass, the following procedures shall be adhered to:

- Assemble documentation outlining the reasons which may require the surrender of a pass;
- Consult with Department Legal Counsel prior to requiring the surrender of a pass;
- Notify the vendor and vendor's employee in writing of the intent to remove the pass;
- Provide the vendor's employee with the assembled documentation;
- Arrange for the concerned vendor and vendor's employee to meet with them to discuss the proposed surrender of the pass;
- Notify the vendor and vendor's employee of the decision in writing; and
- Maintain a file with all documentation and action under the vendor and vendor employees' names at the facility.

Ombudsperson/Career Resources Center

All incidents involving outside vendors shall be documented in the form of a memorandum (SH-AD32A) and forwarded to the Ombudsperson/Career Resources Center.