

## WORKPLACE VIOLENCE

### 42.01 PURPOSE

The purpose of this regulation is to establish Department policy aimed at preventing incidents of workplace violence, and to create procedures for the proper response to and reporting of incidents of workplace violence in compliance with Office of Administration (OA) directives.

### 42.02 POLICY

- A. The Department has a “zero tolerance” policy for all forms of workplace violence, including threatening behavior, and/or harassment committed by or against Department personnel, other individuals in Department workplaces, or on Department property, which are prohibited by this policy. Violence or threats of violence against any Department property or installation will not be tolerated.
- B. Department personnel who violate this policy may be subject to disciplinary action, up to and including termination from employment, and may be subject to further legal action such as arrest.
- C. This policy acknowledges that Department personnel frequently encounter interpersonal conflict and violence in the course of carrying out the work of the Department. As such, this regulation is not to be construed to place limitations on the manner in which Department personnel carry out their lawful duties, including law enforcement action when performed in accordance with applicable law and Department policy. Except when authorized by law and Department policy, the use of violence or threats of violence by Department personnel during the performance of duty or while on Commonwealth or Department property is prohibited.
- D. Department procedures for handling bomb threats shall be followed when applicable.
- E. All reports of workplace violence will be promptly investigated.

- F. All reports of workplace violence incidents shall be taken seriously and dealt with appropriately through administrative action or the disciplinary process.
- G. The Department shall provide information, training, and education to Department personnel concerning workplace violence with the goal of preventing incidents of workplace violence, and to ensure a proper response to incidents when they occur.
- H. The Department shall report incidents of workplace violence to OA in accordance with Management Directive 205.33, Workplace Violence.

#### 42.03 DEFINITIONS

For the purpose of this regulation, the terms below shall have the following meanings:

- A. **Inappropriate Workplace Behavior:** Actions unacceptable for the workplace which may include, but are not limited to, attendance problems, decreased productivity, inconsistent work patterns, poor on-the-job relationships, unusual/changed behavior, personal conflicts, disruptive behavior, and fighting.
- B. **Member Assistance Program (MAP):** A Department-sponsored program that provides confidential assistance to Department personnel (members, enforcement officers, and employees) and their immediate family members who are experiencing personal, emotional, psychological, or related medical problems. The program is voluntary and all services with volunteer Department personnel who serve as Peer Contacts are at no cost to the personnel/family member. When appropriate, personnel are referred to professional and/or community resources, which may be covered by the referred individual's health care plan.
- C. **State Employee Assistance Program (SEAP):** A Commonwealth-sponsored program that provides counseling and other assistance to state employees and their family members with substance abuse, emotional, family, financial, marital, and/or personal problems. Department personnel are encouraged to utilize the services of SEAP when personal problems first develop, regardless of any job performance concerns. The program is voluntary and the initial services are at no cost to the

personnel/family member. Any cost for additional services shall be covered in accordance with the personnel's health care plan.

- D. **Warning Signs:** An observable behavior that may indicate possible future threats or violence. Warning signs may include, but are not limited to overreacting, offensive or profane language, rapid speech, continual blame or excuses, being overly defensive when criticized, or repeated unusual movements such as pounding, banging, or slamming.
- E. **Workplace:** Any Commonwealth-owned or -leased property location where Commonwealth business is conducted, or any other location where Department personnel are conducting Commonwealth business or considered "on duty." This includes a Commonwealth vehicle or private vehicle being used for Commonwealth business.
- F. **Workplace Violence:** For the purposes of this regulation and the reporting requirements hereunder, workplace violence is an incident involving violence or a threat of violence that occurs outside of normal job expectations and is not generally expected to occur when Department personnel are performing regularly assigned duties. Incidents of workplace violence include, but are not limited to, threats in person, by letter or note, telephone, fax, or electronic mail, intimidation, harassment including sexual harassment, mugging, robbery, and attempted robbery, and destruction of Commonwealth property. **Serious incidents** of workplace violence include, but are not limited to, physical assault, rape, murder, and bomb threats. Other examples are provided in Management Directive 205.33 and Manual M505.6, An Agency Guide to Workplace Violence Prevention and Response. Incidents may take place between employees; employees and clients; employees and acquaintances/partners; and employees and strangers. The factors to be considered in assessing whether a particular incident constitutes workplace violence are: the individuals involved; the relation of the action to the workplace; the location of the incident; and/or whether the violence is a result of Commonwealth business.
- G. **Worksite Plans and Post-Workplace Violence Incident Plans:** These plans establish sequential steps to be followed in case of a workplace violence incident. The plans should instruct employees on emergency contact numbers, and actions to be taken during and immediately after an incident of violence. Plans should include, but are not limited to, reminders to keep calm and seek safety; identification of emergency contact

numbers; steps to ensure that the appropriate police agency is notified; steps to ensure that victims and witnesses of violence are debriefed by appropriate officials and provided assistance through MAP and SEAP; and procedures to ensure that reports are completed and notifications are made in accordance with Department policy.

#### 42.04 PROCEDURES

- A. Personnel exhibiting early warning signs of potential violence such as personal conflict or disruptive behavior shall be counseled by their supervisor, or if unavailable their supervisor's designee or other personnel in their supervisory chain, as soon as practical following occurrence of the behavior. Personnel shall be confidentially informed of services provided by MAP and SEAP. If enlisted personnel are experiencing the above warning signs and it is affecting work performance, the supervisor can order a subordinate to report to MAP for a Mandatory Supervisory Referral. If civilian personnel are experiencing the above warning signs, the supervisor shall contact the Bureau of Human Resources. The supervisor, or if unavailable the supervisor's designee or other personnel in the supervisory chain, shall take appropriate administrative action and initiate disciplinary action when appropriate.
- B. When personnel exhibit inappropriate workplace behavior that creates a clear and present danger or causes concern of imminent danger to self or others, the supervisor, or if unavailable the supervisor's designee or other personnel in the supervisory chain, shall respond immediately in accordance with this regulation and established disciplinary policies.
- C. Reporting of Incidents of Workplace Violence:
  - 1. For reporting purposes, workplace violence includes only those instances that occur outside of normal job expectations. Enlisted personnel or enforcement officers are routinely subjected to violent or threatening situations in conjunction with the performance of their lawful duties for the Department. Such incidents when occurring in the normal course of duty shall not be reported for the purposes of this policy.
  - 2. Personnel, supervisors, and managers who witness or experience any workplace violence, including threats of

violence, shall promptly report such incidents in the manner set forth by this regulation. All incidents and suspected incidents of workplace violence, as defined by this regulation, must be reported. The telephone numbers of appropriate Department law enforcement personnel, local police, emergency personnel, Bureau of Human Resources, and building security shall be posted and employees informed of contact procedures to be followed in the event of an incident of workplace violence.

- a. **Serious** incidents such as physical assault, rape, murder, bomb threats, or incidents involving the use of weapons shall **immediately** be reported by personnel, supervisors, and managers who witness, experience, or are informed of these acts. These individuals should **immediately** contact appropriate emergency personnel, enlisted personnel, or other law enforcement personnel.

After emergency and law enforcement personnel have been notified and the situation contained, the details of all **serious** incidents of workplace violence shall be reported immediately by telephone to the Workplace Violence Coordinator, Bureau of Human Resources, at 717-705-8528.

- b. All other incidents of workplace violence shall **promptly** be reported by personnel, supervisors, and managers who witness, experience, or are informed of these acts. These individuals should **promptly** notify their supervisor. Within 24 hours after the occurrence of the incident, the supervisor within the Troop/Bureau/Office must complete the Reporting Data Sheet for Incidents of Workplace Violence (refer to Appendage A). The completed data sheet shall be submitted through channels to the Department's Workplace Violence Coordinator in the Bureau of Human Resources. The data sheet shall contain all information concerning the incident available at the time of the report. If additional information becomes available, it shall be included on a supplemental report that references the original report. This supplemental report shall be submitted through channels to the Department's Workplace Violence Coordinator.

- c. The Workplace Violence Coordinator shall forward reports of workplace violence to the Deputy Commissioner of Administration and Professional Responsibility and the Director, Bureau of Integrity and Professional Standards for appropriate administrative action or investigation.
- d. The Manager, MAP, who is the Department's SEAP Coordinator, shall contact OA SEAP following all serious incidents of workplace violence. All serious incidents will follow existing policy/regulations as outlined in AR 4-28, Critical Incident Stress Management.
- e. Department personnel, supervisors, and managers may contact MAP's toll-free number 1-877-709-7674, or the SEAP consultation number 1-800-662-9206, for professional evaluation of the observed behavior and situation.

#### 42.05 RESPONSIBILITIES

- A. Deputy Commissioner of Administration and Professional Responsibility:
  - 1. Designate a Workplace Violence Coordinator to administer the Department's workplace violence prevention program.
  - 2. Ensure that a Department workplace violence policy is adopted consistent with Management Directive 205.33, and that other Department policies are consistent with and supportive of the policy.
  - 3. Ensure that a program is in place to inform personnel about the availability of MAP/SEAP support and services.
  - 4. Ensure that programs are in place to provide personnel with education and training about potential warning signs of workplace violence, preventive measures, and established emergency procedures for responding to incidents of workplace violence.

B. Director, Bureau of Human Resources:

1. Ensure that Department workplace violence policies and procedures comply with OA regulations including Management Directive 205.33.
2. Ensure that the Workplace Violence Coordinator complies with all OA reporting requirements by transmitting all reports of workplace violence, including those that have occurred at field locations.
3. Ensure that orientation programs for new employees and new supervisors, and other supervisory programs include information on the Commonwealth and Department workplace violence policies and procedures, including procedures for responding to bomb threats, workplace violence prevention, and reporting workplace violence.

C. Department Workplace Violence Coordinator:

1. Ensure the Department complies with OA regulations concerning workplace violence. Implement workplace violence prevention initiatives and training; provide information and assistance on workplace violence issues; respond to questions from Department personnel; and report incidents of workplace violence to OA.
2. Identify with Department management the types of workplace violence prevention initiatives necessary to meet the Department's needs.
3. Identify with Department management personnel to receive training regarding workplace violence in addition to the personnel identified by Management Directive 205.33.
4. Coordinate the distribution of workplace violence materials, including guidelines and literature on workplace violence.
5. Coordinate the delivery of workplace violence prevention training and/or workshops.
6. Develop Department procedures for reporting incidents of workplace violence and ensure Department procedures

are consistent with the OA reporting system identified in Section 7.i. of Management Directive 205.33.

7. Coordinate the development of local worksite plans and post-workplace violence incident plans to ensure that appropriate sequential steps are followed in response to workplace violence.
8. Regularly evaluate the workplace violence program, including the pattern of incidents which has occurred, steps to prevent violence, and responses to workplace violence which has occurred.
9. Coordinate with OA to obtain appropriate advisory services and training to meet the Department's needs.
10. Inform the Manager, MAP of serious incidents of workplace violence and request a Critical Incident Stress Debriefing and/or other appropriate actions, such as referral as a Condition of Continued Employment, and/or fitness for duty evaluation through SEAP if necessary.
11. Ensure managers and supervisors are advised of options to minimize the opportunity for workplace violence consistent with operational considerations.
12. Ensure managers and supervisors are aware they should consult MAP/SEAP in cases of suspected behavior or speech that may lead to workplace violence.
13. Ensure that Department policies and procedures regarding workplace violence provide for the notification of all victims and witnesses of the availability of MAP/SEAP following any incident of workplace violence.
14. Ensure that a process is in place to accept suggestions from Department personnel about the Department's workplace violence policy and related issues and concerns.
15. Ensure all data concerning workplace violence incidents is compiled and maintained in accordance with OA workplace violence regulations and Accident and Illness Prevention Program (AIPP) standards.

16. Ensure Department personnel receive information, training, and education addressing workplace violence prevention, as well as Department and OA policies and procedures addressing workplace violence.
  17. Ensure a copy of Management Directive 205.33 is posted on bulletin boards in all Department installations.
- D. Troop Commanders and Bureau/Office Directors:
1. Ensure supervisors and personnel under their command comply with Department and OA regulations relating to workplace violence.
  2. Assess worksites under their command and, where warranted, develop local worksite contingency plans to reduce the likelihood of incidents of workplace violence. Assist personnel under their command in properly reacting to a potentially violent situation.
- E. Supervisors:
1. Take immediate and necessary supervisory action upon witnessing or becoming aware of an incident of workplace violence.
  2. Promptly report all incidents of workplace violence in accordance with this regulation and complete the Reporting Data Sheet for Incidents of Workplace Violence. Ensure that information submitted on the data sheet reflects the facts of the incident prior to reporting.
  3. Upon receipt of a Protection from Abuse (PFA) order or a restraining order issued by a court involving Department personnel, comply with the requirements of FR 7-6, Domestic Violence and Protection from Abuse Orders. Take appropriate steps to minimize the opportunity of the individual subject to the PFA order or restraining order to contact the employee or to access the employee's worksite.
  4. Ensure Department personnel under their supervision are provided with the Department's workplace violence policy, workplace violence information/guidelines, and any local worksite plans and post-workplace violence incident plans.

5. Be proactive in their supervisory responsibilities to minimize the risk of workplace violence consistent with operational considerations. Be prepared to recognize, defuse, respond to, and report any workplace violence incident.
6. Utilize the Department Workplace Violence Coordinator to obtain appropriate training to meet specific needs of their workplace.
7. Be aware of and be sensitive to events or underlying causes which can potentially lead to workplace violence. These include occurrences such as major changes in program, policy, or operational procedures; furloughs; dismissals or disciplinary actions; and interpersonal or philosophical disagreements in the workplace. Examples of additional factors which can lead to workplace violence include substance abuse; emotional problems; domestic disputes; and other personal issues.
8. When early warning signs occur, and there are no clear and present risks to self or others, the supervisor shall take appropriate administrative action. The administrative action should be consistent with the seriousness of the behavior. The supervisor should make personnel aware of MAP/SEAP services. Supervisors should also refer to the SEAP Supervisory Guidelines as they relate to fitness for duty issues.
9. When an employee presents a clear-and-present danger or has violated Management Directive 205.33 of this regulation, disciplinary action, consistent with all Department regulations should be initiated. Supervisors should also refer to the SEAP Supervisory Guidelines as they relate to fitness for duty issues.
10. When a **serious** incident of violence occurs involving personal contact, the communication of a threat, or other crimes, contact the appropriate law enforcement personnel for immediate assistance to initiate a criminal investigation.
11. After becoming aware of an incident of violence, notify the Manager/Assistant Manager of MAP or appropriate Regional Peer Coordinator to ensure all

affected personnel follow existing policy/regulation outlined in AR 4-28.

12. Encourage personnel who may be experiencing personal problems to contact SEAP at 1-800-692-7459, or MAP at 1-877-709-7674.

F. Manager, Member Assistance Program:

1. Notify OA SEAP when contacted by a supervisor as an attempt at early intervention when warning signs and inappropriate behavior first develop.
2. Notify OA SEAP following serious incidents of workplace violence and coordinate a debriefing where warranted.
3. Notify the Department's Workplace Violence Coordinator, Bureau of Human Resources, of the incident, while maintaining confidentiality.

G. Personnel:

1. Immediately report incidents of workplace violence to their supervisor or, if unavailable, the supervisor's designee or other member of the supervisory chain through procedures established by this regulation.
2. Complete training requirements, as directed, and be proactive in the prevention of workplace violence incidents.
3. Notify their supervisor of active PFA orders entered on their behalf. Assist their supervisor in taking appropriate steps to minimize the opportunity for the named defendant to contact them or access their worksite.

42.06 TRAINING

A. All Department personnel shall receive training in workplace violence as follows:

1. New employees of the Department shall complete the Workplace Violence Web-Based Training (WBT) during their first month of employment as part of their new employee orientation.

2. Cadets shall receive workplace violence training under a curriculum developed and administered by the Bureau of Training and Education.
  3. Newly designated supervisors shall receive instruction regarding their supervisory responsibilities for responding to and preventing workplace violence during their Basic Supervision course.
  4. All other Department personnel shall utilize the workplace violence WBT course to satisfy the initial workplace violence training requirement.
  5. Troop Commanders and Bureau/Office Directors may augment workplace violence training with additional instruction at the local level.
  6. Refresher training requirements for Department personnel will be issued periodically via directive.
- B. Workplace Violence Web-Based Training (WBT) Course:
1. A 25-minute Workplace Violence WBT course is available in the student catalog of the Enterprise Learning Management System (E-LMS) for all Commonwealth personnel.
  2. The WBT informs personnel of the Commonwealth policy regarding workplace violence and provides guidance on how to identify and prevent potential situations of violence in the workplace.
  3. To access the WBT, personnel shall log on to the E-LMS website utilizing Instructions for Accessing and Navigating Workplace Violence Web-Based Training (refer to Appendage B).
- C. Reporting:
1. All workplace violence training provided to Department personnel shall be documented and a record maintained in Department and/or local training files.

2. The Bureau of Training and Education shall provide to the Department Workplace Violence Coordinator, not later than January 31 of each year, documentation concerning all personnel who have:
  - a. Taken the Workplace Violence WBT Course during the previous calendar year.
  - b. Received workplace violence training during a Basic Supervision course.
  - c. Received workplace violence training during a New Employee Orientation or basic training curriculum.
3. Troop Commanders and Bureau/Office Directors shall provide to the Department Workplace Violence Coordinator, not later than January 31 of each year, documentation concerning workplace violence training conducted at the local level. Negative reports are not required.