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<b>Section-11 Human Resources</b>	<b>OP-110214</b>	<b>Page: 1</b>	<b>Effective Date: 12/28/2020</b>
<b>Workplace Violence</b>	<b>ACA Standards: 2-CO-1C-04, 2-CO-1C-05</b>		
<b>Scott Crow, Director</b> <b>Oklahoma Department of Corrections</b>		<b>Signature on File</b>	

## **Workplace Violence**

The Oklahoma Department of Corrections (ODOC) is committed to maintaining a work environment that is free from violence, threats of violence, harassment, intimidation, and other disruptive behavior through the establishment of guidelines for preventing and responding to incidents of workplace violence. This procedure has been established to promote a safe environment for ODOC employees. Violence, threats of violence, harassment, intimidation, and other disruptive behavior will not be tolerated in the workplace.

All reasonable measures will be taken to protect employees and others in the workplace from violent incidents that may result in injury or harm. Reasonable steps will also be taken to protect ODOC property as well as personal property. All employees are responsible for maintaining a safe work environment. Acts of violence or threats of violence, explicit or veiled, verbal or written, are unacceptable and will not be tolerated in the workplace. All reports of incidents will be taken seriously and will be dealt with appropriately.

Employees who inflict physical injury, threaten to harm or injure, or intentionally damage the property of other employees, visitors, or vendors will be appropriately disciplined and may be referred for criminal prosecution. Sanctions may include discharge from employment and other penalties as provided by law. (2-CO-1C-04, 2-CO-1C-05)

The facility/unit/division head will ensure workplace violence is addressed as specified in this procedure. The “Workplace Violence Incident Checklist” ([Attachment A](#), attached) is provided to ensure all appropriate actions are taken.

The “Workplace Violence Assessment Guidelines (RE-VIEW)” ([Attachment B](#), attached) will provide assistance with workplace violence deliberations and determining the appropriate level of response.

I. Definitions

A. Conditional Threat

A warning that a violent act will happen unless demands or terms are met. This type of threat is often seen in situations involving coercion.

B. Direct Threat

A specific act against a specific target and is delivered in a straightforward, clear, and explicit manner.

C. Indirect Threat

An act which tends to be vague, unclear, and ambiguous. The plan, the intended victim, the motivation, and other aspects of the threat are masked or equivocal. While violence is implied, the threat is phrased tentatively and suggests that a violent act COULD occur, not that it WILL occur.

D. Threatening Behavior

An individual’s threat, either direct, indirect, veiled, or conditional, to commit an act of physical aggression or harm at the workplace or that directly affects the workplace.

E. Threats of Violence

An expression of intent to cause harm without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional, or future. Threats of violence include written, verbal, or behavioral messages that either explicitly or implicitly communicate or demonstrate intent to inflict harm.

F. Veiled Threat

An act that strongly implies, but does not explicitly threaten. The threat leaves it up to the potential victim to interpret the message and give a definite meaning to the threat.

G. Workplace Violence

An act or threat of violence by any individual that occurs at, or directly affects, the workplace and includes any act or attempted act of physical aggression or harm. The actual or intended target of the act or threat may include, but is not limited to any employee, volunteer, visitor, or vendor, as well as any property owned by the state.

II. General Guidelines

A. Workplace Violence

Examples include, but are not limited to:

1. Acts of Violence

- a. Causing or attempting to cause bodily harm or death to another person;
- b. Acting or attempting to sabotage, destroy, damage or deface government or personal property in the workplace;
- c. Possession of unlawful and unauthorized weapons in the workplace;

(1) Weapons Possession

- (a) Signs will be posted at each entrance into all institutions, probation and parole offices, corrections centers, and administrative offices stating:

“Section 1277 of Title 21, of the Oklahoma statutes prohibits persons, including those with a concealed handgun license, from carrying weapons into state offices or buildings. Violators are subject to arrest and prosecution.”

- (b) In accordance with [OP-040106](#) entitled “Purchase, Use, and Control of Firearms and Security Equipment,” all facilities will develop procedures for collecting and securing all handguns carried by official visitors. Employees may store personal firearms in their personal vehicles in accordance with [OP-040106](#).

- (c) Unauthorized possession, display, or use of a weapon by ODOC commissioned employees inconsistent with agency procedures will be construed as a threat or act of violence and will be responded to in accordance with this procedure.
- d. Any illegal act whose purpose or effect is to inflict injury;
- e. Any deliberate act which results in bruising or physical injury to another;
- f. Deliberate touching of another without consent;
- g. Deliberate damage to any property of the agency or any employee, volunteer, visitor or vendor;
- h. Restraint or detention of another person against their will for no lawful purpose;
- i. Any physical or verbal act of aggression which causes another to experience continuing emotional distress or which could be reasonably expected to cause emotional distress in others;
- j. Assaults, including those disguised as accidents;
- k. Verbal or nonverbal expressions or gestures that communicate the intent to coerce (veiled or implied), or inflict injury, harm, or emotional distress;
- l. Menacing actions such as stalking or blocking passage;
- m. Display of a weapon, or an object that may be used as a weapon, in an offensive or threatening manner;
- n. Sexual assault;
- o. Harassment of all types (verbal, physical, sexual);
- p. Domestic violence carried over to the workplace;
- q. Bullying is prohibited behavior and is addressed in OP-110215, entitled "Rules Concerning the Individual Conduct of Employees";
- r. Threat or act of violence such as report of a bomb or hostage taking.

In the event of a threat or act of violence such as a report of a bomb or hostage taking, the facility/unit will activate its emergency plan in accordance with [OP-050102](#) entitled "Departmental and Facility Emergency Plans for Riots, Disturbances, Utility Failures and Major Disasters for State Operated Facilities" or [OP-053001](#) entitled "Community Corrections Emergency Plans for Riots, Disturbances, Utility Failures and Major Disasters", as appropriate.

## 2. Threatening Behavior

- a. Threats to cause bodily harm or death to another person (may include behaviors such as stalking, bullying, or other abusive or aggressive behavior);
- b. Threats to commit sabotage or destroy, damage, or deface government or personal property located at the workplace;
- c. Making harassing or threatening telephone calls; or
- d. Unusual, bizarre, or menacing behavior or statements that a reasonable person would interpret as carrying the potential for violent acts.

- B. For purposes of this procedure, incidents involving inmates/offenders will not be included as workplace violence, but will be reported through the immediate chain of command as outlined in [OP-050109](#), entitled "Reporting of Incidents". Employees who are threatened by inmates/offenders, former inmates/offenders or other individuals from outside the agency are eligible for any appropriate services such as critical incident stress management as specified in [OP-110501](#) entitled "Critical Incident Program" or referral to the Employee Assistance Program as specified in [OP-110217](#) entitled "Employee Assistance Program (EAP)."

## III. Employee Responsibilities

All employees are responsible for helping to ensure that ODOC remains a safe place to work.

### A. Immediate Reporting Requirements

1. All employees are responsible for making an immediate verbal report to their supervisor of threats, suspicious activities, or other acts of violence, regardless of the relationship between the individual who threatened and the individual who was the focus of the violent behavior and irrespective of when or where the workplace violence occurred. If the supervisor is unavailable, verbal notification will be made to the next staff member in the reporting employee's chain of command.

2. All employees who acquire knowledge (i.e., did not witness) of such an incident will provide a written incident report to the facility/unit/division head through their supervisor prior to the end of the workday/shift. (See also Section II.C.4)
3. Employees reporting workplace violence will not be subject to interference, coercion, discrimination, penalty, censure, or reprisal as a result of these reports.

**B. Actions Required by Supervisors**

Supervisors are responsible for evaluating, investigating, and taking immediate appropriate action when threats of violence have occurred or been alleged in the workplace or that impact the workplace. Supervisors will ensure that the employees understand their responsibility to report workplace violence.

1. Upon receiving a report of a workplace violence incident, the supervisor will immediately ensure the safety of the employees and workplace, then verbally inform the facility/unit/division head of the report.
2. Supervisors will refer employees who are experiencing personal problems that may be impacting their performance or conduct to the Employee Assistance Program (EAP); however, employee participation is voluntary.
3. Duty to Warn

All supervisors having knowledge of a threat or impending act of violence have a duty and responsibility to warn the targeted employee and take all reasonable actions possible to prevent injury including, but not limited to, cease and desist orders, assignment of cooling off periods, or relocation.

Any supervisor who fails to discharge the "duty to warn" will be subject to disciplinary action.

**C. Actions Required by Facility/Unit/Division Heads**

1. The facility/unit/division head is responsible for ensuring that measures for the safety of employees, visitors, vendors and the workplace has been effected.
2. **Cease and desist orders will be issued as applicable.**
3. Utilizing the "Workplace Violence Assessment Guidelines (REVIEW)" ([Attachment B](#)), the facility/unit/division head will determine

if the incident qualifies as a workplace violence incident.

a. Incident is determined **not** workplace violence

- (1) The facility/unit/division head will complete a summary incident report verifying their assessment and documenting their decision.
- (2) The incident may be addressed through use of the disciplinary process.
- (3) The facility/unit/division will maintain documentation of the incident in a file separate from the employee files.

b. Incident is Determined Workplace Violence

- (1) The facility/unit/division head will verbally report any incident of workplace violence to the appropriate director/deputy director/chief immediately upon completion of their assessment.
- (2) The facility/unit/division head will ensure the "Workplace Violence Incident Checklist" and all incident reports are submitted to the director of Human Resources within two weeks of the incident.

The director of Human Resources will be responsible for maintaining a database of workplace violence incidents and will enter all information received into the database. The database will be used for reporting statistical information.

- (3) Upon notification to the appropriate director/deputy director/chief, the following actions will be taken:
  - (a) Immediate responses will be initiated, which may include discipline, relocation, added security measures, or request for a psychological (fitness for duty) examination. Referral to EAP for all parties is recommended.
  - (b) Local and/or state law enforcement may be asked to respond to any threat or act of violence as deemed appropriate.
  - (c) The facility/unit/division head will discuss with the appropriate director/deputy director/chief the personnel actions to be taken regarding an employee making threats or perpetrating

violence.

- (d) An appointing authority may place an employee on paid administrative leave as a cooling off period to defuse a potentially violent occurrence in the work place. An employee's time on administrative leave under Section 260:25-15-50 will not exceed 32 hours in any 12-month period. If necessary, in accordance with Merit Rule 260:25-11-120, a permanent employee may be suspended with pay for an internal investigation with the agency director's approval through the appropriate chain of command.
- (e) The intended target(s) of the workplace violence behavior will be immediately notified verbally and in writing of the nature and severity of the threat and the general precautions being implemented by ODOC.
- (f) Employees who remain at risk because of an act of violence or threat will be advised of any continuing potential danger and the steps being taken to guard against risk of harm.
- (g) Employees making threats or perpetrating violence will not be permitted to return to work without the joint approval of the facility/unit head and the appropriate director/deputy director/chief.
- (h) Any employee whose conduct constitutes a serious threat to others at work may be required to submit to a mental health screening/evaluation to determine current "fitness for duty." "Fitness for duty" evaluations will be requested and performed in accordance with [OP-110218](#) entitled "Employee Medical Exams/Inquiries and Records."
- (i) Facility/unit/division heads will provide written notification to target(s) or intended target(s) of workplace violence regarding actions taken to correct the behavior of the perpetrator.
  - (i) The written notification will be sent to the target(s) or intended target(s) within five working days after the incident has



been addressed.

- (ii) The written notification will not include confidential information or information that would be considered sensitive and/or protected under an employee's rights to privacy as provided for under law, HCM regulations and [OP-110105](#) entitled "Employee Personnel Records."
- (iii) A copy of the written notification will be sent to the director of Human Resources within five working days after the incident has been addressed by the facility/unit/division.
- (j) Law enforcement duties and the peace officer commission of any employee under investigation for workplace violence will be suspended until the matter has been fully investigated and resolved. The facility/unit/division head will provide written notification to the employee of the suspension.
- (4) Incidents occurring at an off-site agency or contract facility/unit/division location will be reported to the off-site facility/unit/division head as specified in this procedure. The off-site facility/unit/division head will be responsible for gathering the required incident reports and notifying the employee's home facility/unit/division head of the incident. The home facility/unit/division head will be responsible for review of the incident and all other applicable actions as specified in this procedure.

D. Actions Required by Director/Deputy Director/Chief

1. The appropriate director/deputy director/chief may refer the findings of the facility review to the inspector general for further investigation if the act is believed to be a violation of law.
2. The appropriate director/deputy director/chief will contact the Employee Rights and Relations unit for investigation of any issues involving discrimination, retaliation, harassment, or any other issues that may be associated with Title VII. Civil Rights Act of 1964.

IV. Follow-up Assessment

Following any confirmed workplace violence incident, an assessment and

response team comprised of the facility/unit/division head, the local critical incident coordinator, and the local human resources management specialist (HRMS) will review the response(s) to the incident to assess the appropriateness of the response and determine what process improvements could be made. The assessment and response team will also determine what preventive measures should be implemented to avert or lessen the impact of a similar incident. The report will be submitted to the appropriate director/deputy director/chief and the director of Human Resources.

Any employee exposed to threatening or violent events, at or away from work, needs support from family, co-workers, and management. When support is given, those exposed may feel less isolated, distrustful, and withdrawn. Active support tends to promote increased commitment, productivity, and improved recovery. Individual or group counseling sessions may be necessary for some individuals. EAP services can help supervisors and employees choose appropriate post-violence outlets for improved recovery. Group counseling through EAP services will be coordinated, upon request, through the agency's EAP program coordinator and the director of Human Resources. The initial assessment should address any recommendations needed.

V. Annual Reporting Requirements

Each February, the director of Human Resources will compile and report workplace violence data to the agency director. The annual report will include a summary of incidents and actions taken.

VI. References

Policy Statement No. P-110100 entitled "Uniform Personnel Standards"

OP-040106 entitled "Purchase, Use, and Control of Firearms and Security Equipment"

OP-050102 entitled "Departmental and Facility Emergency Plans for Riots, Disturbances, Utility Failures and Major Disasters for State Operated Facilities"

OP-053001 entitled "Community Corrections Plans for Riots, Disturbances, Utility Failures and Major Disasters"

OP-110105 entitled "Employee Personnel Records"

OP-110215 entitled "Rules Concerning the Individual Conduct of Employees"

OP-110217 entitled "Employee Assistance Program (EAP)"

OP-110218 entitled "Employee Medical Exams/Inquiries and Records"

OP-110501 entitled "Critical Incident Program"

74 O.S. § 840-2.20.A.5

Merit Rules for Employment, 260:25-11-120 and 260:25-15-50

VII. Action

The facility/unit/division heads will be responsible for developing local procedures.

The directors/deputy directors/chiefs are responsible for compliance with this procedure.

The director of Human Resources is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the agency director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-110214 entitled "Workplace Violence" dated August 29, 2019

Distribution: Policy and Operations Manual  
Agency Website

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
<a href="#">Attachment A</a>	"Workplace Violence Incident Checklist"	Attached
<a href="#">Attachment B</a>	"Workplace Violence Assessment Guidelines(RE-VIEW)"	Attached