

# MANUAL

## Commonwealth of Pennsylvania Governor's Office

**Subject:**

An Agency Guide to Workplace Violence Prevention and Response

**Number:**

505.6 Amended

**By Direction of:**

Kelly Powell Logan, Secretary of Administration

**Date:**

June 16, 2014

**Contact Agency:**

Office of Administration, Office for Human Resources Management, Bureau of Employee Benefits and Services, Telephone 717.787.8575

This manual provides guidance to agencies on the development of a comprehensive workplace violence prevention and response program as outlined in *Management Directive 205.33, Workplace Violence*.

The commonwealth is committed to promoting a work environment that is free of violence. While workplace violence cannot be totally eliminated, this manual is designed to assist agencies in being proactive and creating a work environment that will reduce the likelihood of violence. A successful prevention and response program requires the ongoing commitment of all employees and management, and must be customized to meet the unique needs of the environment.

The commonwealth has a diverse workforce, work environment, and mission in delivering services. Each agency and work location should use this manual to assess its vulnerability, institute safety precautions, and to better understand effective ways to prevent and respond to any occurrence of workplace violence.

All changes to this manual will be issued by the Office of Administration, Office for Human Resources Management (OA/HRM), Bureau of Employee Benefits and Services (BEBS) through the Directives Management System.

**This manual replaces, in its entirety, *Manual 505.6*, dated May 28, 2002.**

## Table of Contents

Introduction .....	1
Three Components of a Successful Workplace Violence Prevention and Response Program .....	3
A. Prevention .....	3
1. Management Commitment and Employee and Union Involvement .....	4
2. Assessment Team .....	4
3. Worksite Analysis .....	5
4. Domestic Violence/Protection From Abuse Orders (PFA) and Other Legal Restraints .....	8
5. Training and Education .....	9
6. Indicators of Higher Risk Behavior .....	11
B. Incident Response and Stabilization .....	12
1. Personal Safety .....	13
2. Coordination of Emergency Services .....	13
3. Communication .....	14
4. Impact on Work Schedules/Worksite .....	14
5. Tips for Specific Situations .....	14
C. Post-Incident Response/Normalization .....	18
1. Short-Term Considerations .....	19
2. Long -Term Considerations .....	21
Investigation/Review of Events Leading to the Incident .....	22
A. Interviewing the Subject (alleged perpetrator) .....	22
B. Interviewing the Witnesses .....	23
C. Interviewing Techniques .....	23
D. Producing the Written Report .....	25
Record Keeping and Program Evaluation .....	26
Reporting Procedures .....	27
Employee Relations Considerations/Disciplinary Actions .....	29
A. Short-Term Administrative Options .....	29
B. Disciplinary Actions .....	30
C. Disability as a Defense Against Alleged Misconduct .....	30
D. Appeals of Disciplinary Action .....	31
E. Client/Customer Actions .....	31
Appendix 1 - Assessment Team Checklist .....	1 – 5

## Introduction

This workplace violence prevention and response manual provides direction to agency human resource staff in developing an effective workplace violence prevention and response program that can be tailored to meet individual agency and worksite needs. Each agency has a unique set of conditions and risks for acts of violence, and it would be impossible to direct and implement a universal program that would be effective for all agencies. The intent of this manual is to present and describe the major components that are considered essential when developing an agency program, without prescribing specific policies and procedures. Because of the unique characteristics in how and where the commonwealth conducts its business, this manual is best viewed as a starting point to develop effective programming, specific to the individual needs of the agency and/or worksite.

**Throughout this manual there are many suggestions and recommendations that, if implemented, would require legal review or union discussion and/or negotiation. Information provided in this manual is intended to generate thought; each agency should consider the legal and/or labor relations implications that may exist. It is recommended that an agency's legal and labor relations staff be actively involved in program development. Specific areas where the agency labor relations staff should be consulted include (but are not limited to): employee involvement in work groups/committees; change of employee hours, location, and/or duties; development of agency safety procedures and plans; possible disciplinary actions; and Code of Conduct issues.**

Before a program can be developed, there should be an understanding of the definition of workplace violence and the categories of workplace violence perpetrators that exist. These two elements will influence how each work unit responds and what actions are necessary to effectively reduce the likelihood of violence occurring in the workplace.

Workplace violence is defined in *Management Directive 205.33, Workplace Violence* as:

Violence that occurs at or is connected to the workplace, including any location if the violence has resulted from an act or a decision made during the course of conducting commonwealth business. Examples of workplace violence include but are not limited to: verbal and written threats, intimidation, stalking, harassment, domestic violence, robbery and attempted robbery, destruction of commonwealth property, physical assault, bomb threats, rape and murder. Perpetrators of workplace violence can include employees, clients/customers, personal acquaintances/partners and strangers.

For the purposes of reporting workplace violence, perpetrators are broken into four categories. Those categories are:

**Employee.** This includes a current or former employee, a prospective employee, or a current or former supervisor or manager. Co-worker violence that occurs outside the workplace, but which resulted or arose from the employment relationship, is included in this category.

**Client/Customer.** This is an individual who receives a service from an agency, and includes a current or former customer, client or patient, passenger, student, resident, parolee, criminal suspect, and/or inmate.

**Personal Acquaintance/Partner.** This is an individual that has a personal relationship with an employee, such as a current or former spouse or partner, a relative, or a friend.

**Stranger.** This is an individual that has no clear relationship to the worker or workplace; the individual enters the workplace, sometimes on the pretense of being a customer, with the intent to commit a violent act.

The program that each agency develops should also include the mechanism by which employees, customers, clients, and others are made aware of the behaviors that are prohibited and consequences. As you continue through this manual, always consider where there is greatest risk and exposure based on your agency's work environment.

Inherent in the definition of workplace violence is the realization that there may be significant challenges in an agency's ability to develop meaningful prevention strategies based on the location of the worksite. Within a closed office environment, steps can usually be taken to permanently enhance security and address safety concerns. However, if the worksite consists of temporary field locations that continually change, there may be a need for more creative options to enhance security and safety. In the case of workplace violence that occurs after hours and outside of the worksite, prevention becomes even more difficult. These issues, and the likelihood of them occurring, need to be considered as the program evolves.

While all work environments are vulnerable to workplace violence, often there is a greater risk of one type of violence over another. Each agency needs to determine which type(s) of workplace violence they are more likely to experience within their particular work environment. It is helpful to think about the agency's or organization's mission and purpose when determining where the greatest potential for violence exists. It is also helpful to look at past patterns of violence in the agency. This will provide a basis for developing strategies to best meet agency-specific needs.

Agencies that are aware of the worksite's risk and exposure to the various categories of workplace violence are better equipped to address these when developing their program. Although there may be a greater exposure to one form of violence over another and, therefore, a need for greater emphasis on that form of violence, the program should address all forms of violence.

## **Three Components of a Successful Workplace Violence Prevention and Response Program**

There are three essential components that should be addressed when designing, implementing, and managing an effective program: prevention, incident response and stabilization, and post incident response and normalization. The development of a program is not a one-time work product, but is ongoing and evolving.

**A. Prevention.** The best way to avoid workplace violence is to understand it and to take steps in advance that reduce the possibility of violence occurring. The responsibility for preventing this violence rests with every employee, supervisor, manager and agency. Elements of an effective prevention plan include: obtaining management commitment and employee and union involvement; forming an assessment team; performing a worksite analysis; developing procedures for domestic violence and protection from abuse orders (PFAs); conducting training and education; and identifying higher risk behaviors.

### **1. Management Commitment and Employee and Union Involvement.**

Management commitment provides the motivation, resources, and time needed to address workplace violence effectively. In order for a program to be successful, management should:

- a.** Demonstrate organizational concern for employees' emotional and physical safety and health;
- b.** Commit to the safety and health of the customer/client;
- c.** Commit resources and be willing to support those changes in the work environment that will reduce the likelihood of violence;
- d.** Involve all levels of employees, as well as the appropriate bargaining representatives in the development, implementation, and ongoing operational management of the program.

As with any important policy or program, it is critical to have top management support at all times in order to be effective. The leadership provided by top management can result in all employees giving workplace violence prevention the priority it deserves.

Effective management support also requires listening to employees and seeking their input. Direct involvement enables employees to provide information useful in the design, implementation, and evaluation of the program. Employees are often the best source of information on identifying strengths, weaknesses, and opportunities to reduce workplace violence. Further, employees often are more aware of potential higher-risk situations and can be instrumental in averting workplace violence. Active employee involvement also produces a greater commitment to the program.

- 2. Assessment Team.** An assessment team is an invaluable part of any workplace violence prevention program and can serve several different functions depending on worksite needs. The primary function of the team is to provide guidance, coordinate services, and make decisions when faced with a workplace violence situation. To carry out this function effectively, the composition of the team should encompass a broad range of knowledge and experience. Given the range of expertise of the team, this group also could provide oversight to the overall development, implementation, and management of the program. Representation on the assessment team should include:
- a. Senior Management.** Senior management provides the necessary support, resources, and authority to effectively implement and manage agency policies and programs. Situations that come to the attention of the assessment team may require actions that only senior management employees can authorize.
  - b. Workplace Violence (WPV) Coordinator.** Based on the knowledge and experience of the WPV Coordinator, it may be wise to assign this individual a leading role.
  - c. Operations.** An operational perspective provides a more complete understanding of the physical layout of an organization, security considerations, the customer priorities of the agency, and various staffing issues. Such an individual possesses a broad base of knowledge and experience with agency work processes and the locations where these processes are performed.
  - d. State Employee Assistance Program (SEAP) Coordinator.** The SEAP Coordinator can facilitate consultation, early intervention, and post-incident services. Reference *Management Directive 505.22, State Employee Assistance Program* and *Manual 505.3, State Employee Assistance Program*.
  - e. Safety Coordinator.** This individual already possesses a broad base of knowledge regarding physical hazards in the workplace, and is familiar with evacuation procedures for fires and bomb threats.
  - f. Security.** Security personnel (if available) are most familiar with the procedures for entering and exiting a facility and would be able to offer suggestions for improving security. Security personnel play a vital role in coordinating services with other state and local emergency service personnel. In addition, security's familiarity with the layout and structure of an agency's facilities would be invaluable when conducting physical plant surveys and hazard assessments. For those agencies without security staff, coordination with Capitol Police or other local law enforcement officials or networking with an agency that has security staff should be considered.
  - g. Legal.** Legal staff can help to ensure that the agency program is in accord with federal and state statutes.

**h. Labor Relations.** This individual possesses a sound knowledge of investigative techniques and disciplinary procedures, and is familiar with the contractual requirements affecting the agency's employees.

Each agency should consider developing a team according to the agency's individual needs and available resources. If a workplace has limited human resources to devote to an assessment team, the WPV Coordinator or other appropriate staff member may assume the roles and responsibilities of the team, consulting with appropriate safety, security, legal, and SEAP staff as necessary. Although various titles may be applied to this team, it is recommended that the term "assessment team" be used, as it more clearly denotes the overall function of the group to continually assess the work environment for ways to reduce the likelihood of violence. Avoiding terms such as "threat assessment team" will help minimize the likelihood that individuals brought to the attention of the team will be labeled or stigmatized.

The assessment team should have backup coverage in the event that an assigned member of the team is unavailable. All members, including backup members, should attend meetings and trainings in order to have a comprehensive understanding of the agency's plan. Having backup members is particularly important for smaller agencies with fewer staff and possibly smaller assessment teams.

Some larger agencies may find it beneficial to organize several teams (central office and field) to assign and distribute specific responsibilities more effectively. On an agency-determined basis, independent reviewers, such as safety and health professionals, law enforcement or security specialists, insurance safety auditors, or other qualified persons, may be invited to review the program to offer advice to strengthen areas and provide a fresh perspective for improvement.

### **3. Worksite Analysis.**

A preliminary step when forming a workplace violence prevention plan is for the assessment team to conduct an analysis of the agency's current risk and exposure to potentially violent situations.

Analysis should consider past incidents of workplace violence, building and grounds, work functions, environment and human resource policies. Worksite analyses should be conducted at regular intervals, as well as after any incident of workplace violence, to determine the program's success and identify opportunities for improvement. Appendix 1 provides a sample checklist with suggested questions to consider.

Depending on the nature of the work environment, the agency may also want to consider hiring an outside vendor that specializes in worksite analyses.

#### **a. Review of Past Incidents.**

A good starting place is to look at each incident that occurred previously and evaluate what happened, why it happened, and how effectively it was handled. Workplace violence is the product of the interaction of three factors:

- (1) The individual who takes the violent action;
- (2) The stimulus or triggering conditions that lead the individual to see violence as an option or a solution to problems or life situations;
- (3) A setting that facilitated or permitted the violence, or at least did not discourage it from occurring.

Attention should be given to identifying patterns of risk in order to develop potential prevention strategies. Agencies should determine which category(ies) of perpetrator presents the highest risk for employees. Patterns of risk may include a particular workgroup, time of day, type of incident, or location. This review should include individual worksites, as well as the agency as a whole, since differences may be noted among work locations in a given agency.

Agencies should look for similarities in the services provided, the physical plant, the perpetrator type, etc. If a clear trend is identified, a determination should be made of what circumstances allowed these situations to occur. Once identified, strategies should be developed to eliminate or reduce the problem, if possible.

For instance, if multiple occurrences of physical attacks by clients have occurred in the reception area, solutions might include rearranging furniture and work stations for optimal safety of employees, making sure all areas of the room are open and visible to others, installing security cameras (if they are not already in use), and/or determining if specialized training in client care, or other related areas could help in reducing future occurrences.

Even if there is no clear-cut trend identified, the collected information still is useful. The assessment team should review each occurrence and try to determine what might have been done to prevent or minimize the situation.

#### **b. Employee Perspective and Views.**

Employees may be in the best position to identify areas of vulnerability since they work in the immediate area and know the specific concerns related to the environment and job tasks.

One method to involve employees in the creation of a successful program is through the use of employee work groups. If the employees to be included in these work groups are bargaining unit members, the union must be given the opportunity to pick the work group representatives; unions are often receptive to management suggestions for work group members. These discussions should be conducted with a cross section of employees that reflects a wide range of work functions and levels, as perceptions of issues and threats may vary dramatically from person to person. Discussion points could include general perceptions on overall feelings of safety, areas of vulnerability, possible remedies, limitations or impediments to constructive changes, and other similar considerations.

**c. Building and Grounds.**

One of the most obvious considerations in ensuring a safe workplace is having a secure physical environment that discourages workplace violence. While conducting an analysis of the physical plant, the assessment team again should consider the category(ies) of violence that the worksite is most at risk to experience. Enhancements to buildings and grounds may represent a significant cost to the agency; therefore, priorities should be established. The assessment team also may want to consider asking the local police, fire, or other emergency response services to come to the worksite and provide assistance in the building and grounds review.

**d. Work Functions and Environment.**

Generally speaking, when a work environment is stable and supportive, when employees are respectful of one another, and when the worksite is managed and staffed sufficiently, there is less of a likelihood of many forms of violence. Similarly, the tasks and functions performed at a particular worksite may expose it to some forms of workplace violence more than others. An analysis of the work functions and work environment by the assessment team can be used to design strategies to reduce possible incidents. For example, if the work function of a particular office is to administer a benefit to the citizens of the commonwealth, and this service is provided in a public building with a large waiting room, it would appear that workplace violence committed by customers/clients would be a significant area of concern for this particular office. What actions should be taken to reduce the likelihood of a customer or client from committing workplace violence? An initial response may be to secure lobby furniture to the floor or partition the receptionist's area from the lobby, add visible security cameras, or even hire a guard.

The above example presents a simple analysis of work function and environment. An agency should consider a wide range of other factors as well, which will add greater value to the analysis and planning process.

In addition to work functions and environment, prevention efforts should recognize how personal issues contribute to the increase in workplace violence. While the assessment team can assess the work environment, an individual's personal problems are not always known or evident. When personal issues combine with work-related issues, the outcome could be significant. Some examples of these contributing personal factors include high stress levels, substance abuse, mental health problems, interpersonal problems and lack of resources to assist employees.

**e. Human Resource Policy and Procedure.**

Each agency is required to have an agency-specific workplace violence prevention policy; reference *Management Directive 205.33, Workplace Violence*. In addition to including the information contained in the commonwealth's policy, agencies may decide to add specific details, such as the name and phone number of the WPV Coordinator, the specific process to be used to report incidents of workplace violence, or other agency-specific items. It is important for the agency to involve the unions prior to implementation of the policy, providing them with an opportunity to make comments, and to determine how best to make employees aware of this policy.

Additional agency policies or procedures already in existence may have an impact on the agency's program. The agency should review its procedures related to supervision, discipline, discharge, complaint resolution, and SEAP. Having a job is one of the most important aspects of a person's life, since it provides both financial and other personal benefits. Discipline or the threat of losing a job may trigger a workplace violence situation. Maintaining a work environment that is consistent, responsive, and respectful of everyone will help to reduce the likelihood of workplace violence.

The analysis of human resources policies, procedures, and practice by the assessment team should also include how well supervisors are prepared to deal with employees exhibiting higher-risk behavior. Supervisors usually are in an excellent position to detect warning signs for potentially violent situations.

**4. Domestic Violence/Protection from Abuse Orders (PFA) and Other Legal Restraints.**

Victims of domestic violence typically do not talk openly about the abuse they are experiencing, so few people know that domestic violence is occurring, particularly in the workplace. Since, for the most part, the violence occurs outside the worksite and behind closed doors of the employee's home, it can go undetected by the workplace for a considerable period of time. Victims of domestic violence frequently will experience performance or attendance problems as the violence escalates, and these performance problems should be an immediate and apparent workplace concern to the supervisor. When the domestic violence comes into the workplace, then it becomes a work-related concern for all employees.

From a prevention perspective, all employees should be informed of the availability of SEAP services. The assessment team also may consider obtaining information or other resources from local domestic violence programs. Agency newsletters, brown bag lunches, and health fairs are some other ways that the assessment team may want to publicize information about domestic violence.

Some victims of domestic violence will obtain a PFA from the courts as a means of protection. Employees should be encouraged to inform their supervisor and/or agency human resource office that he or she has obtained a PFA. Employees are not obligated to notify their supervisor or others that they have obtained a PFA; however, notification should be strongly encouraged, as it benefits the employee by providing greater security while at work. When information about a PFA is provided, this information must be treated with great sensitivity. When informed by an employee that a PFA has been issued, the worksite should consider the following actions (with the consent of the employee) to aid in a safer environment being created for the employee as well as co-workers:

- a. Notify local law enforcement authorities that an employee has obtained a PFA against another person, and provide a copy of the PFA to the law enforcement authorities.
- b. Obtain a picture or description of the perpetrator.
- c. Obtain the make, model, year and license plate number of the perpetrator's vehicle(s).
- d. Notify worksite security, management, and co-workers as appropriate to maintain safety and security.
- e. Have management or security offer to escort the employee to and from the parking lot/vehicle, and on work-related business.
- f. Alter the employee's work schedule and/or work locations, consistent with bargaining unit provisions.
- g. Provide flexibility in leave to allow the victim the opportunity to address personal business such as moving, obtaining legal assistance, etc.
- h. Refer the employee to SEAP.

## **5. Training and Education.**

Training and education are key elements to a successful program, and should be available to all employees on an ongoing basis. Training for all employees should consist of a general program that promotes awareness, and describes commonwealth and worksite policies and procedures. Additional training should be delivered to employees based on the findings and analysis of the assessment team, as it relates to past incidents, work functions, and environment.

Training in basic performance management-related topics should be provided to supervisors, with emphasis placed on the role that supervisors have to intervene with higher risk employees. Training programs, including basic supervisory development, performance management, employee performance reviews, labor relations, and SEAP should be reviewed and modified to address the issues associated with workplace violence prevention and response.

Proper training and education will ensure that staff is aware of potential security hazards and how to protect themselves and their co-workers through established policies and procedures. All employees should be familiar with both the agency and commonwealth policies on workplace violence, and know how to respond to and report incidents of violent, intimidating, threatening, and other disruptive behavior. All employees should be provided with phone numbers for quick reference during a crisis or an emergency.

The effectiveness of employee and supervisory workplace violence training sessions can be greatly enhanced by designing the curriculum to focus on the types or categories of workplace violence most prevalent within the agency or agency sub-unit. By emphasizing concepts that deal directly with managing those particular types of violence, an organization can increase its chances of providing effective and worthwhile training. Training topics should be identified based on past incidents and the outcome of the analysis of the work function and environment. Topics may include:

- a.** Ways of preventing or diffusing volatile situations or aggressive behavior.
- b.** How to deal with hostile persons.
- c.** Managing anger.
- d.** Techniques and skills to resolve conflicts.
- e.** Stress management, relaxation techniques, wellness training.
- f.** How to respond in a robbery.
- g.** Customer service.
- h.** Communication skills.

The assessment team may also benefit from specialized training, based upon the areas of expertise not present in team members. For teams without an experienced labor relation individual, training on investigative skills and techniques may be appropriate. For teams without an experienced security individual, training on security assessments may be appropriate. In larger agencies, sufficient expertise may already exist in house, making further specialized training unnecessary for the assessment team. In agencies where the assessment team is not activated on a regular basis, consideration should be given to holding "mock" activations periodically, so that team members can practice those skills for which they have received training.

## **6. Indicators of Higher Risk Behavior.**

It would be ideal to have some way of predicting who will become violent; however, there is no test, instrument, or method that can accurately predict whether an individual will become violent. The media and other sources often refer to the profile of a person that can become violent. Many people who fit the profile will never become violent, while individuals who do not fit into a specific profile may engage in acts of violence. It is for this reason that profiling is not appropriate. And while past behavior is generally the best predictor of future behavior, human behavior cannot be accurately predicted. While violence cannot be predicted, it is possible to identify individuals that exhibit higher risk behavior and who might benefit from some level of intervention. It is important to understand that identifying individuals with higher risk behavior does not equate with predicting violence.

Research conducted by the Federal Bureau of Investigation's National Center for the Analysis of Violent Crime (NCAVC) has revealed that there are behavioral indicators that may lead to increased risk of violence. The following list of behaviors should be viewed with concern:

- a.** A history of violent behavior on or off the job.
- b.** Direct or veiled threats of harm.
- c.** Intimidation, belligerence, bullying or other inappropriate behavior directed at others.
- d.** Numerous conflicts with supervisors and employees.
- e.** Physically touching another employee in an intimidating, malicious, or sexually harassing manner, including such acts as hitting, slapping, poking, kicking, pinching, and grabbing.
- f.** Verbal comments indicating expressions of hostility directed at co-workers, supervisors, or others, such as name-calling and obscene language.
- g.** Bringing a weapon to work (when weapons are not part of the job).
- h.** Making inappropriate references to guns or exhibiting an unusual fascination with weapons.
- i.** Fascination with incidents of workplace violence.
- j.** Statements indicating approval of the use of violence to resolve problems.
- k.** Statements indicating identification with perpetrators of workplace homicides.
- l.** Statements indicating an increased tone of desperation, such as feelings that normal interventions to solve a problem will not work, or feeling hopeless about a situation at work, with family, or with financial and other personal problems.

- m. Signs of abuse of drugs/alcohol on or off the job.
- n. Extreme changes in behaviors/mood swings.
- o. Stalking of another individual.

It is important that all higher risk behaviors are documented, since patterns of inappropriate or higher risk behavior often precede episodes of violence. Being cognizant of the behaviors and attitudes of another person may avert a potentially dangerous situation. Perpetrators of targeted acts of violence often engage in discrete behaviors that precede and are linked to their attacks; they consider, plan, and prepare before engaging in violent actions.

The risk of violence can be influenced by the work environment and culture. Given the mix of risk factors cited above, a person can act very differently given the organizational environment. The risk of violence may increase in those environments that have high turnover, significant labor-management problems, extremely rigid or lax structure and policies, lack of accountability, lack of equity/fairness, frequent changes in management, and/or limited dispute resolution options. In essence, having an employee that exhibits higher risk behavior in a poorly managed or unstructured environment that is not responsive may leave the workplace more open to workplace violence.

All elements, including indicators of higher risk behavior, employee issues, and workplace characteristics should be taken into consideration when assessing potential violent circumstances. Recognizing the early warning signs, issues, or events that may trigger violence, and intervening early, may prevent a potentially violent situation from occurring.

## **B. Incident Response and Stabilization.**

An incident of workplace violence can occur at any time. Although the actual occurrence of threats or violence cannot be predicted, the agency should have a plan on how it will deal with a situation once it has occurred. By having a plan and activating it promptly, the worksite may be able to resolve the situation more quickly and minimize additional harm. It should be understood that a response plan is intended to provide general direction for different situations. Each incident of workplace violence is different, necessitating a unique response.

A comprehensive program should outline policies, procedures, and responsibilities in the event of a violent incident in the workplace. These policies and procedures should explicitly state who is responsible for which activities that will occur when responding to an incident. The incident response/stabilization plan should be developed to address the full range of potentially violent situations. Given the function and design of the assessment team, this group should be considered the primary point for developing and coordinating the activities contained in the incident response plan and training.

- 1. Personal Safety.** The most important concern is personal safety and survival; property can be repaired or replaced, people cannot. An incident response/stabilization plan should contain information regarding the steps that will increase safety for all involved. However, the plan should not contain explicit directions to be followed, because each incident of workplace violence is different, and specific steps that may be effective in one situation may be dangerous or ineffective in another. General concepts, or tips, that may help to defuse or minimize the threat of danger or harm should be designed so that they can be easily remembered by employees when needed, and should be incorporated into the plan.

  - a. Employees should be advised to put themselves in the safest position possible. This may include such things as exiting the building, going to a "safe room," remaining at a work station, or using furniture as a shield.
  - b. An escape route should be established. This escape route usually should be the same as that used for fire drills and bomb threats, so that employees are not expected to remember different procedures for different emergencies. The escape route should not be used until it is safe to do so.
  - c. A code word or phrase should be established by the individual worksite, so that employees who feel threatened or need assistance can get help without alerting the perpetrator.
  - d. Employees should be encouraged to remain calm.
  - e. Employees should attempt to defuse or de-escalate the situation by using common sense, and not arguing with or interrupting the individual.
  - f. Employees should cooperate with the individual, and give him or her their complete attention.
  - g. Employees should not attempt to disarm the individual if a weapon is being used, except as a last resort.
  - h. Employees should not attempt to protect property or possessions over personal safety.
- 2. Coordination of Emergency Services.** The plan should address professional services such as fire, ambulance, crisis intervention, and police that may be needed in response to a situation. It is important to know which emergency service providers have jurisdiction in the area, and what services they can provide. It is also important that the contact numbers for those services are readily available and known to employees. Agencies should consider meeting with the emergency service providers in their area before an incident occurs to go over the incident response plan and familiarize the emergency service provider with the work operation and location. The agency should also ensure that floor plans, maps, and other relevant records are readily available to emergency service providers on and off grounds. Defining these responsibilities in the plan may reduce the confusion and possible duplication of activities during critical times.

- 3. Communication.** The plan should consider and address communication issues related to events that occur in the workplace. The agency's central human resource office should be notified as soon as possible when an incident of workplace violence has occurred, and be provided with the details of the incident. For incidents of workplace violence that involve hostages, injuries, deaths, or other serious impacts, BEBS must be notified as soon as possible. Depending upon the circumstances, there may be a need to communicate with the media, employees, unions, family members, and/or others concerning the incident. The agency should designate an individual to serve as the point of contact for that communication. Only the authorized individual(s) should have contact with the media. Employees should be advised to refer questions to a designated contact person.

It is important that employees, unions, and family members be kept informed of a situation and be provided information on a need to know basis. If more than one person is designated to communicate with different groups, there should be consistency in the information given. Information regarding changes in security and operations should not be released without prior approval from the agency's central human resource office. If the worksite is located in a building that also is occupied by other organizations, commonwealth-related or not, appropriate information should be shared with those organizations.

- 4. Impact on Work Schedules/Worksite.** The plan should contain provisions to address the potential impact of workplace violence on work activities. Depending upon the incident, there may be an impact on program operations, including work schedules and work locations. In coordination with the agency's central human resource office, including labor relations, changes should be considered for the purpose of ensuring safety. The designated individual should alert employees (both on duty and off duty) of any changes in schedules or work locations. The plan should consider the impact on both work schedules and work sites when the event occurs over a long period of time or when all or part of the worksite is not usable. If the situation requires an evacuation of a worksite (full or partial), the agency should utilize their Continuity of Operation (COOP) plans.
- 5. Tips for Specific Situations.** All incidents are unique and, therefore, there is no one "best" response that will fit every situation. The assessment team should consider the following general types of situations when developing the agency/field prevention and response plan.

- a. Situations Involving Threats to Others.**

All threats and reports of threats should be taken seriously and responded to immediately.

If the threat was made in person, employees should be advised to follow the personal safety tips included in the plan, as well as to try to get a third party involved in the situation as a witness. Depending upon the nature of the threat, the appropriate law enforcement authorities should be contacted. If the individual who made the threat is employed by a contractor of the commonwealth, the contractor should be contacted as well.

Copies of the threat (if made in writing) and/or a written summary of the threat (if made verbally) should be provided to the assessment team, as well as the law enforcement authorities, if appropriate. Witness statements should be obtained from all those involved.

To help in the prevention of violence, it is important to identify potential targets and gather relevant information about them. The following questions may help in that process:

- (1) Are the potential targets identifiable or does it appear that the subject, if considering violence, has not yet selected targets for a possible attack?
- (2) Is the potential target well known to the subject? This distinction may help in determining if the potential motive for an attack is personal or random.
- (3) Is the subject acquainted with a targeted individual's work and personal lifestyle? This may determine what type of access the subject has to the target.
- (4) Is the potential target afraid of the subject? Does the potential target family, friends, or colleagues share the degree of fear?
- (5) How sophisticated or naive is the targeted individual about the need for caution?
- (6) How able is the potential target to communicate a clear and consistent "*I want no contact with you*" message to the subject?

Employees who have been the target of a threat should be encouraged to take appropriate safety precautions, which may include but are not limited to:

- (1) Changing their travel patterns to and from work.
- (2) Changing their personal phone number and/or getting an unlisted phone number.
- (3) Evaluating their home security.
- (4) Establishing check-in times with friends, family, or the workplace.
- (5) Carrying a cellular phone.
- (6) Temporarily relocating away from home and/or staying with friends or relatives.
- (7) Notifying law enforcement authorities that have jurisdiction where the employee lives and works.

The agency should determine if workplace security needs to be intensified, and should consider the following:

- (1) Changing the employee's work hours or location.

- (2) Providing a security or management escort for the employee to and from his or her vehicle.
- (3) Limiting the opportunities where the employee works alone or without a co-worker nearby.
- (4) Providing co-workers with the name and/or description of the perpetrator.

If the perpetrator is a client/customer of the victim, determine if services can be discontinued or access to the worksite limited. If that is not an appropriate option, then determine if another office or staff person should assume the responsibility of the case.

If the perpetrator is a commonwealth employee then in addition to the above considerations, the agency's labor relations unit must be contacted to determine possible disciplinary action, up to and including termination, and possible law enforcement involvement. Depending upon the circumstances, it may be appropriate to suspend the perpetrator pending investigation, to request BEBS approval to direct the perpetrator to undergo an Independent Psychological Evaluation (IPE), as per *Management Directive 505.22, State Employee Assistance Program* and *Manual 505.3, State Employee Assistance Program*, to physically relocate the perpetrator away from the victim, and/or other action that enhances the victim's safety.

**b. Situations Involving Harassment, Intimidation, or Other Behavioral Concerns.**

To provide general direction to employees, the plan should consider and provide guidance on responding to harassment, intimidation, and other inappropriate behaviors.

Although these behaviors may not rise to the level of a threat, they can in many cases be treated in a similar manner. Some individuals find that harassment, intimidation, or acting inappropriately are effective ways of meeting his or her personal needs, or to get his or her own way. In some cases, this kind of behavior can be a prelude to violence.

When these behaviors are reported or observed, the response may vary depending on the perceived level of risk presented. In all cases, safety should be the priority. Given this, the assessment team should:

- (1) Review all documentation on the behaviors observed and any(s) action taken by the employee or supervisor to address the situation. Documented statements regarding behavior should be detailed and objective, and should describe what was stated and/or observed.
- (2) If the perpetrator is an employee, then as appropriate and in conjunction with labor relations, conduct an investigation into the allegations and take appropriate action, including possible disciplinary action, up to and including termination.

- (3) If the perpetrator is not a commonwealth employee, determine which outside individuals should be contacted; e.g., appropriate law enforcement, the individual's employer (if a contractor), etc.

Employees should be provided with the following tips that they can use to help minimize or defuse potentially violent situations:

- (1) Project calmness: move and speak slowly, quietly, and confidently.
- (2) Be a good listener: encourage the person to talk, and listen patiently.
- (3) Focus their attention on the other person to demonstrate their interest in what he or she has to say.
- (4) Acknowledge the person's feelings by gestures, such as nodding their head.
- (5) Establish ground rules if unreasonable behavior persists. Calmly describe to the person the consequences of any continued behavior.
- (6) Be reassuring and point out choices. Identify and deal with specific issues.
- (7) Accept criticism in a professional manner.
- (8) Position themselves so that the person cannot block their access to an exit.
- (9) Do not invade the individual's personal space.
- (10) Take notice of the tone, volume, and rate of their speech, and modify as appropriate to project calmness.
- (11) Do not criticize or act impatiently toward the agitated individual.
- (12) If at any time a person's behavior begins to escalate beyond their comfort zone, attempt to withdraw from the situation and seek assistance.

**c. Situations Involving Stalking or Domestic/Personal Violence.**

When domestic/personal reasons are the driving factor behind workplace violence, it becomes more difficult to institute a prevention program. All cases should be handled on an individual basis; therefore, forming an individual prevention plan begins with encouraging employees to share information about their domestic situation with their supervisor. Often an employee will not share information about occurrences in their personal lives for fear of embarrassment, scorn, or the belief that because the violence is happening off the job, it shouldn't be mentioned.

Once the agency is aware that an employee is experiencing domestic violence, there are several steps that can be taken. A safe and nonjudgmental environment should be created. Suggesting to the employee that s/he simply leave the relationship is not a recommended approach. Instead, these comments are suggested for use:

- (1) I am concerned for your safety.
- (2) I am here for you when you need help.
- (3) There are resources within the agency, commonwealth, and the community that can help you.

It is extremely important for victims/potential victims of domestic violence to have a personalized plan for safety and for assessing risk for themselves and their children. Encouraging a victim of domestic violence to create such a plan may save that employee and others in the workplace from potential harm.

Any time a person in an abusive relationship takes steps toward safety, there are risks involved. For example, it is common for the abuser to escalate violence as attempts to separate are made. In the absence of a clear threat to the workplace, the employee should have the final say on the kinds of workplace interventions to be made and the individuals to be informed, since he or she is in a better position than the agency to know the inherent risks. Managers should inform the employee about the assistance available through SEAP, community resources, and the agency.

**d. Situations Involving Destruction of Property or Bomb Threats.**

The assessment team must call upon law enforcement when dealing with destruction of property or bomb threats. Because a criminal offense may be involved, it is important for the assessment team to follow their lead and instructions.

Additional information can be found in *Management Directive 720.7, Bomb Threats and Suspicious Packages*, which outlines commonwealth policies for employee responses to bomb threats.

**C. Post-Incident Response/Normalization.**

The after effects of workplace violence can be extremely traumatic and should be dealt with as quickly as possible. The agency's plan should address the important physical and psychological consequences to victims and witnesses as a result of a traumatic event. Such occurrences can lead to long-term problems resulting in legal and medical costs and emotional upheaval to the employee and employer. However, with timely intervention, the adverse impact on both the employee and employer often can be reduced considerably.

Common reactions to an act of workplace violence will vary between individuals. Depending on the degree of intensity of the traumatic event, employees can exhibit physical, cognitive, emotional, and behavioral effects from the crisis.

While it is difficult to predict how an incident will affect a given employee, several factors influence the intensity of trauma. These factors include the duration of the event; the amount of terror or horror experienced; the sense (or lack) of personal control the employee had during the incident; the amount of injury or loss the employee experienced (property, self-esteem, physical well-being, etc.); the employee's previous victimization experiences; recent losses such as death of a family member or divorce; and other recent intense stresses.

Considering all these factors, it is understandable that each person reacts in a different fashion and depending upon the nature of the event, the return to "normal" will vary.

## **1. Short Term Considerations.**

Employees will have questions they will want answered in order to try to resolve the experience for themselves. As information becomes available, it should be provided through such means as regular meetings, postings, recorded messages on a hotline, or updates through an Intranet site. Accurate information regarding violent events needs to be made easily accessible. A prompt response will reaffirm the agency's commitment to providing a safe work environment. Choosing a respected and highly credible spokesperson to provide accurate and pertinent information assists in the perceived believability of the information, and employees will more readily accept the support of supervisors and managers. Union representatives also can help in reassuring employees after an incident and in communicating information to employees.

Due to the significance of the event and the effects on the workplace, a rapid response is most effective in minimizing long-term problems. Supervisors, managers, and others should notify the SEAP Coordinator immediately when such an event occurs. The SEAP Coordinator will review each situation with BEBS to determine the appropriate course of action. The following are types of on-site activities that may be recommended in response to a traumatic event in the workplace:

- a. Defusing Session.** The purpose of a defusing is to provide employees with factual information about the incident and encourage employees to seek individual counseling or other services through SEAP. This session is held immediately, or as soon as possible, after a serious incident and would be conducted by agency management.
- b. Debriefing Session.** The purpose of a debriefing is to assist employees to process their emotional reactions through an educational session led by a trained counselor. Depending upon the specific circumstances, a debriefing may be appropriate within 24 to 72 hours after the traumatic incident. Debriefings are conducted on-site by a SEAP clinician, as per *Management Directive 505.22, State Employee Assistance Program* and *Manual 505.3, State Employee Assistance Program*.
- c. Critiquing Session.** The purpose of a critiquing session is to improve the agency's response to future events of a similar nature. This session, held about two weeks after the incident, would be conducted by management, and offers an opportunity for managers, supervisors, and employees to review and discuss how the situation was managed and to identify how the incident might have been handled differently or more appropriately.

When a situation involves a commonwealth employee as the perpetrator and the employee is not terminated, there may be heightened fears associated with that individual upon his or her return to work. The plan should provide guidance on how to minimize employee concerns. Steps may include relocating an employee to another work unit or conducting a staff meeting to explain that management has taken steps to ensure the safety of everyone. It is important that personnel actions, including SEAP referrals, are not disclosed to others.

It is recognized that most worksites must continue to operate despite an act of workplace violence. However, the plan should consider the seriousness of the event and the possible implications on the operations.

- a. Staffing/Leave.** All time away from work must be charged to appropriate leave; the agency should remain flexible in approving leave requests for those affected by an incident. People require various amounts of time to adjust and return to "normal" functioning. Affected employees may be required to participate in criminal investigations or choose to attend memorial/funeral services. Given the number of staff affected or the length of time off the job, consideration might include bringing in other employees that perform similar services at other work locations. All staffing reassignments would be subject to existing collective bargaining agreements; and each agency's worksite labor relations specialists should participate in appropriate discussions with staff from the affected unions before taking any action.
- b. Work Functions.** Employees react differently to any event based on its seriousness and their previous personal experiences. After significant events, an employee's ability to concentrate may be reduced, and even basic routine functions may be affected. In the immediate time period following the event, supervision and support should be intensified and focus on the concrete actions that employees need to accomplish in order to be able to perform the agency's work.
- c. Workers' Compensation Claims.** If an employee is injured during an incident of workplace violence, or requests that a workers' compensation claim be filed, the supervisor shall submit the claim. The workers' compensation coordinator is available to assist employees with any questions they may have about workers' compensation.

## **2. Long-Term Considerations.**

The emotional impact of a serious incident of workplace violence continues long after the defusing, debriefing and/or critiquing sessions. Recovery is a process that takes place over time. The goal of supervisors and managers should be to facilitate the quick return of affected employees to their pre-incident level of functioning. Resources designed to assist recovery should be made available over a prolonged period as well. To begin to return to normalization, employees should be encouraged to take the following steps following a crisis:

- a. Talk about it.** By talking with others, employees will relieve stress and realize that other people share their feelings.

- b.** Get plenty of rest and exercise, eat regular meals, and avoid excessive drinking and risk-taking activities.
- c.** Spend time with family and encourage children and other family members to discuss their concerns and feelings.
- d.** Maintain as normal a schedule as possible. Keep a balance between working and taking time off by neither avoiding work nor working to excess.
- e.** Do things that are relaxing and soothing.
- f.** Do something positive to help gain a greater sense of control (for example, give blood, take a first-aid class, or donate food or clothing).
- g.** Ask for help. It's not a sign of weakness.
- h.** Talk with someone who is trusted, such as a relative, friend, social worker, minister, pastor, imam, or rabbi.

Employees naturally form support groups while at work. During a crisis, try to keep these groups together as much as possible. Providing employees with the opportunity to talk informally with one another may help them come to terms with the incident that has occurred. Allowing flexibility about break times, and offering a common break area, also may facilitate the recovery process. Ensure that employees are aware of the individual services offered by SEAP.

The area in which an act of workplace violence has occurred may pose a sensitive issue. This site, which initially may be secured as a crime scene, may bring back painful reminders once employees return. Ensure that items broken or damaged are removed, along with blood or other stains. Keep in mind that the area should not be so "sanitized" that it gives the appearance that management is pretending nothing happened. Returning to work must be managed in a way that conveys appropriate respect for the deceased, injured, and/or traumatized.

Management should be sensitive to the impact of anniversary dates of events, court dates, and other similar events in the news. Often these situations can produce thoughts and feelings that employees experienced during the incident.

## **Investigation/Review of Events Leading to the Incident**

The commonwealth's policy on workplace violence prevention requires, as part of zero tolerance for workplace violence, that all reports of workplace violence must be investigated and responded to by the agency. At times, this investigation may be accomplished quickly because not every incident that will be reported actually represents workplace violence. Additionally, not every reported incident will lead to discipline. The agency should determine, prior to any incidents of workplace violence, how and by whom investigations will be conducted. Some agencies may choose to have a designated individual from the assessment team conduct investigations; some agencies may choose to use a team approach (which may cover ground more quickly, as interviews of various witnesses can be conducted simultaneously); other agencies may choose to utilize program management. Agency labor relations staff, who typically conduct investigations into discipline-related issues, should be consulted and included on the assessment team (if they are not already) for the investigation, as they will be able to assist in developing and conducting a fair, objective, and sound investigation.

An additional consideration after an act of workplace violence has occurred is to determine what kind of investigation should be done; administrative or criminal. The answer will depend on whether the facts presented indicate possible criminal behavior. Where criminal behavior may be involved, the assessment team should consult with agency legal staff as well as the appropriate law enforcement agency for guidance.

### **A. Interviewing the Subject (alleged perpetrator)**

A decision to interview a subject should be made on the basis of case facts. Generally, when there has been face-to-face contact between the subject and the target of the violence, or the subject has communicated a threat to the target, an interview is a good idea. An interview under such circumstances may have several goals. It may signal that the subject's behavior has been noticed, permit the subject's story to be related to a third party, gather information that is the basis for corroboration, and provide an opportunity for communicating that the subject's behavior is unwelcome, unacceptable, and must cease.

Any interview is a vehicle for gathering information about the subject. The information can be used to assess the threat that the subject poses and to manage that threat. Threat assessment interviews are most productive if they are conducted respectfully and professionally. The task of the interviewer is twofold:

1. To gather information about the subject's thinking, behavior patterns, and activities regarding the target(s).
2. To encourage change in the subject's behavior.

Based upon the circumstances, the interview of the subject may need to be done in the context of a pre-disciplinary conference (PDC) or fact-finding interview conducted by the supervisor or labor relations specialist. Reference *Management Directive 590.1, Labor Relations*.

### **B. Interviewing the Witnesses.**

In general, the assessment team's investigative review of a reported incident would include the following:

1. Interviewing and obtaining a detailed written statement from the individual who made the report, including identifying any possible witnesses to the incident.
2. Interviewing and obtaining detailed written statements on appropriate forms from all identified witnesses.
3. Obtaining copies of all written documentation (if any) dealing with the incident.
4. Using the following question structure for witness interviews:
  - a. What happened?
  - b. Who was involved?
  - c. Where did it happen?
  - d. When did it happen?
  - e. Why did it happen?
  - f. How did it happen?

### **C. Interviewing Techniques.**

Note taking should not interfere with the interview. The investigator should use the skill of taking adequate notes, while still observing the individual, and without distracting the person being interviewed. The investigator may choose to have another member of the assessment team attend the interview for the purpose of recording notes. The questions to be asked should be developed prior to the interview. If the investigator feels threatened at any time by the interviewee, the investigator should stop the interview and report the situation to the appropriate authorities.

Some questioning techniques that can be used when conducting interviews are the non-confrontational approach, direct and indirect questions, assumptive questions, and summarizing questions. These techniques should be used, as appropriate, to obtain the most productive response.

The following are examples of the non-confrontational approach:

1. A person refuses to answer (or is nonresponsive to) questions about an issue during an interview. The investigator notes the refusal and moves on to another area. Later in the interview, the investigator revisits the issue and attempts to obtain answers.
2. The person raises his or her voice in the interview. The investigator maintains a calm, level voice, or lowers his or her voice.

Direct and nondirect questions are used to obtain a factual or precise answer. Direct questions are usually used for obtaining background data. Nondirect questions are used for discussion of feelings and opinions, because they allow for more latitude in responding:

1. Examples of Direct Questions:
  - a. *Who told you that he made a threat?*
  - b. *When did you notice he had a gun?*
2. Examples of Nondirect Questions:
  - a. *What led you to say that?*
  - b. *What made that unusual?*

The interviewer can use assumptive questions when information already has been established, either at a previous time or earlier in the interview. The investigator should maintain a neutral stance about the conduct or behavior being discussed to encourage the individual to answer questions fully and honestly. The following are examples of assumptive questions:

1. *Have you made similar statements to others?*
2. *Is it fairly routine for you to carry a knife to work?*

The investigator should use summarizing questions to give the individual an opportunity to hear what the investigator understood. In concluding each segment of the interview, there should be a pause following the summarizing question to allow the individual the opportunity to respond, verify, correct, disagree with, or amplify a previous response. The following are examples of summarizing questions:

1. *In other words, it was not what he said, but the tone of his voice, that scared you?*
2. *You're telling me you were only joking when you said you'd blow up the place?*

While conducting interviews of witnesses, consideration should be given to the credibility of the witness. The following factors can help the assessment team make credibility determinations:

1. The witness's opportunity and capacity to observe the event or act in question.
2. The witness's character.
3. Any prior inconsistent statements by the witness.
4. The witness's bias or lack of bias.
5. The contradiction of the witness's version of events by other evidence, or its consistency with other evidence.
6. The inherent improbability of the witness's version of events.
7. The witness's demeanor.

#### **D. Producing the Written Report.**

Once the investigation has been thoroughly completed, the assessment team should review the findings and produce a report. For those instances where the assessment team has factually verified an incident of workplace violence, the report should also identify what the cause(s) were and how the incident might have been prevented. From this report, the assessment team should develop an action plan. This action plan should include recommendations for changes in controls, procedures, and/or policies, changes to physical plant or structure, or other changes that may prevent a recurrence. The written report would not contain recommendations regarding discipline, either in broad terms or specifics.

Once the investigation has concluded, information should be provided to the individual who filed the complaint regarding the outcome of the investigation. This information should be limited to preserve the confidentiality of witnesses, as well as the accused perpetrator. The individual who filed the complaint should be informed of the following:

1. Whether the complaint could be substantiated by the facts found in the investigation.
2. If substantiated, whether the actions specified in his or her complaint constituted workplace violence.
3. Whether any action(s) are planned to address either the current incident or future incidents. Detailed information about planned action(s) should not be shared without consulting labor relations and legal staff.

Depending upon the nature of the incident of workplace violence, communication with the rest of the workplace may be needed, and the assessment team should consider how to handle those internal communications as well as communications to the media.

## Record Keeping and Program Evaluation

Record keeping is essential to the success of the program. Records of injuries, illnesses, accidents, assaults, hazards, corrective actions, and training, among others, can help identify potential problems and solutions for an effective program. Records are also important in the event there is a grievance or litigation at a later point in time.

Examples of records that should be maintained:

1. Accident reports of work injuries and supervisors' reports for each recorded assault. These should describe the type of assault, who was involved, surrounding circumstances, environment or location, potential or actual cost incurred as a result, lost time, nature of injuries sustained, etc.
2. Incidents of abuse, verbal attacks, or aggressive behavior which may be threatening to the worker but do not result in injury.
3. Minutes of safety meetings, records of hazard analyses, and corrective actions recommended and taken.
4. Records of all training programs and attendees.

Agencies should have a mechanism in place for the assessment team to evaluate all occurrences and to determine what further preventive measures could have been taken or can be taken in the future. Action plans should be developed to address any needed changes. Some of the issues that should be addressed are:

1. A review of the incident and the effectiveness of the agency's response.
2. A review of organizational culture and extent to which that may have contributed to the incident.
3. Action steps that might be taken to prevent similar incidents in the future.

The assessment team should also evaluate, on a periodic basis, the agency's experience with workplace violence for trends, commonalities, and best practices in prevention and response.

## Reporting Procedures

If one is not already in place, an internal procedure for reporting workplace violence incidents should be developed within the agency. It is essential that the reporting procedure be clearly established and easily accessible for employee use. A reporting procedure that is unclear or cumbersome will reduce the effectiveness of the program. The procedure should apply to all types of violent incidents, whether or not physical injury has occurred.

Employees should be trained to understand the importance of prompt reporting. Many employees often hesitate to make reports for the following reasons:

- 1. Lack of Confidence.** Employees stop reporting incidents and inappropriate behaviors when the supervisor fails to take action. If an employee reports threats or violent behavior by another employee and the supervisor dismisses or ignores the report, employees may stop reporting incidents and management loses its early warning system.
- 2. Being Unaware of the Value of Reporting.** Employees often hesitate to report unusual behavior because of a concern that others may not share their perceptions. They may feel the employee who is acting inappropriately is just having a bad day or making a joke. Employees should be trained to report incidents, threats, or uncomfortable behaviors immediately, and supervisors should follow up on these reports immediately.
- 3. Being Unaware of Behaviors that are Higher Risk.** Employees should be educated on the indicators of higher risk behavior and potential violence and how to recognize individuals or situations that should be reported.
- 4. Fears of Retaliation or Confrontation.** Employees often are afraid to report threats or incidents out of fear for personal safety or retaliation. Supervisors should create an environment in which employees feel safe and are comfortable reporting inappropriate behavior. While complete anonymity cannot be guaranteed, supervisors can offer reassurance that retaliatory behavior for reporting threatening behavior will not be tolerated.
- 5. Disruptive Behavior is Taken for Granted.** After a period of time, employees assume that inappropriate or threatening behavior on the part of a customer, client, manager, supervisor, vendor, or co-worker is normal or acceptable. Employees should be trained to report any inappropriate or threatening behavior, regardless of whether the behavior is new or a pattern of longstanding.

In addition, issues of confidentiality should be taken into account to ensure employees will feel comfortable reporting all incidents. Complete confidentiality cannot be ensured (e.g., if a grievance is filed or a legal action taken), however, consideration should be given to using the maximum discretion with information that employees report. Most importantly, if top-level commitment and involvement is present within an agency, employees will feel more comfortable in bringing their concerns to the attention of management.

Each agency has the discretion to determine the specific internal reporting procedures and responsibilities for incidents of workplace violence. The commonwealth's policy on workplace violence prevention requires that employees report all incidents of workplace violence to their supervisor or other appropriate management staff. Once an employee has contacted his or her supervisor with a report of workplace violence, the supervisor should take appropriate actions to handle the incident, guided by agency procedure. Suggested courses of action the supervisor should take include:

1. Acknowledging the complaint.
2. Assuring the employee that the incident will be investigated and that the team or individual assigned to handle the report will do so promptly.
3. Committing to the employee that once the investigation is complete, he or she will be notified of the results and the outcome (subject to confidentiality limitations).
4. Reporting all reported incidents of workplace violence to the agency assessment team and/or WPV Coordinator for appropriate investigation and action.

The commonwealth recognizes that not every incident reported to a supervisor, the assessment team or the WPV Coordinator represents an actual incident of workplace violence. For example, an employee may report a rude telephone call from a client which did not contain any threats, or an employee may report that a co-worker was impolite but was neither threatening nor harassing. Neither of these incidents represents workplace violence. For that reason, non-workplace violence incidents that are reported to a supervisor, the assessment team or the WPV Coordinator, while they should be investigated and dealt with, should not be reported to BEBS.

However, all incidents of workplace violence **must** be reported to BEBS as per *Management Directive 205.33, Workplace Violence*. BEBS will gather this information from all agencies, so that a complete picture of trends can be obtained, analysis performed, and feedback provided to agencies.

## Employee Relations Considerations/Disciplinary Actions

All instances of violence or the threat of violence have employee relations/labor relations implications, regardless of who the perpetrator is. When a situation has been identified, management must take appropriate action to ensure safety and/or minimize future occurrences. To effectively respond, there are several options that can be considered, in consultation with labor relations.

**A. Short-Term Administrative Options.** While deciding on a course of action when the possibility of violence exists, there may be a need to keep an employee who is an alleged perpetrator away from the worksite to ensure the safety of co-workers. Any action taken must be consistent with existing collective bargaining agreements. Depending upon the individual circumstances, the following are short-term options:

- 1. Place Employee on Excused Absence.** Placing the employee in a paid or unpaid leave status is an immediate, temporary solution to the problem of an employee who should be kept away from the worksite. This option requires the employee to request or agree to use leave; a request to use sick leave would be handled in accordance with *Management Directive 530.30, Sick, Parental and Family Care Absence Policy*. This option typically would not be considered if disciplinary action is pending or if there is fear of imminent danger to others in the workplace.
- 2. Reassign Employee to Another Position.** This is an effective way of getting an employee away from a specific worksite where he or she has caused a disruption. However, this is only effective if there is a satisfactory alternate worksite where other workers may not be disturbed and the employee can work safely. Dependent upon the circumstances, a reassignment should not be considered even if an alternate worksite is available. A temporary reassignment should not be considered the solution but only as an interim action until a full assessment of the event is completed, and must be done in accordance with the terms of the applicable collective bargaining agreement(s).
- 3. Suspension Pending Investigation.** If the employee's behavior was egregious, potentially harmful or otherwise serious in nature, a suspension without pay pending a thorough investigation of the events may be the most appropriate action.
- 4. Independent Psychological Evaluation (IPE).** With the approval of BEBS, an agency may direct an employee to undergo an IPE, as per *Management Directive 505.22, State Employee Assistance Program* and *Manual 505.3, State Employee Assistance Program*. The IPE can be utilized when an employee exhibits high-risk behaviors and there are significant life or safety concerns. This process is not a disciplinary action and is based on behavior exhibited. The IPE is intended to determine whether the person poses a threat to self or others and is capable of performing his or her duties in a safe and competent manner.

## **B. Disciplinary Actions.**

Discipline is governed by existing policies, collective bargaining agreements, and regulations and is intended to be progressive and corrective in nature. For some employees, discipline is effective in deterring future occurrences; however, it is not effective in all cases. Discipline is based on what an employee has done or failed to do, not on what may occur in the future. The level of concern regarding an employee who is exhibiting higher risk behavior may be greater than the level of discipline that realistically can be imposed. Therefore, consideration should be given to tools such as anger management and conflict resolution courses, in addition to traditional discipline.

If the discipline being imposed involves suspension or termination, consideration should be given to preventing the employee from returning to the workplace. As appropriate, the employee should be given written notification of the restrictions related to access to or contact with the workplace.

Given the level of concern, appropriate steps should be taken to ensure safety during the PDC and any other meeting with the employee. Consideration should include locating the meeting in a neutral location away from the employee's work location.

## **C. Disability as a Defense against Alleged Misconduct.**

Each agency has an obligation to maintain a workplace that is free from violence. As such, an agency may discipline an employee with a disability for a violation of work and conduct rules (including workplace violence) that are job-related and consistent with business necessity. This applies even if the misconduct is the result of the disability, as long as the agency would impose the same discipline on an employee without a disability for the same or a similar infraction.

Notwithstanding any misconduct and resulting discipline, an agency must consider all accommodation requests and determine if it can provide a reasonable accommodation without creating an undue hardship. An agency is not required to excuse past misconduct as a reasonable accommodation.

Employees with medical (physical or psychiatric) disabilities may be eligible for disability retirement if their medical condition warrants it and if they have the requisite years of service to qualify. It is important to note that an employee's application for disability retirement does not stop or keep an agency from taking an adverse action. An agency should continue to process an adverse action, even while informing the employee of his or her option to file an application for disability retirement. The agency cannot require the employee to file an application for disability retirement, despite its belief that it is in the employee's best interests, nor can it file an application on the employee's behalf.

Questions about reasonable accommodations should be discussed with the agency's Disability Services Coordinator, Equal Employment Opportunity Officer, labor relations or other appropriate personnel.

#### **D. Appeals of Disciplinary Action.**

Once a disciplinary action is taken by an agency, the employee involved has options regarding his or her appeal of the agency's final decision. The various avenues of redress that may be available to an employee include, but are not limited to, a union grievance; filing a complaint with Pennsylvania Human Relations Commission (PHRC) or federal Equal Employment Opportunity Commission (EEOC); and filing an appeal with the State Civil Service Commission.

If an employee that has exhibited higher risk behavior chooses to appeal the action, the agency should ensure that appropriate safety precautions are taken during interactions that occur during the appeal process.

- E. Client/Customer Actions.** For situations where a client or customer is the perpetrator of the incident, the possible response may be complicated due to legal obligations and entitlements. Agencies are encouraged to consult with agency legal staff on what steps can be taken to ensure continued safety of the workplace. Options may include reassigning a client to a different location for the same service, arranging appointments only at times that adequate security is present, and/or providing service with additional staff present.

### Assessment Team Checklist

	Yes	No	?	Comments
<b><i>Review of past incidents</i></b>				
Were there similarities in circumstances of past workplace violence incidents?				
Are there identifiable precipitating events to those workplace violence incidents?				
Were safety/security measures in place?				
Is there a category of perpetrator(s) that represents the highest risk for employees?				
Were there any relationships between the workplace assault victims and the offenders?				
Are there similarities in the services provided by the employee(s) involved in the incidents?				
<b><i>Building and Grounds</i></b>				
Does the worksite have adequate security?				
Is the worksite located in a higher crime area?				
Are files and records in areas that are not readily accessible to customers?				
Are there measures (e.g., glass partitions, entry checkpoints, etc.) to minimize direct contact between employees and customers?				
Are there lockable restrooms for employees that are not accessible to customers?				
Is there a reception area where all customers must check-in?				

	Yes	No	?	Comments
Are there security measures and procedures at the reception area?				
Must employees use access cards to enter the building and/or offices?				
Is after-hour access to the building and/or offices restricted?				
Are doors to offices locked when they are not occupied?				
Are other security measures in place for entrances that do not require access cards for entry?				
Are there silent alarm switches or other emergency notification devices in reception areas or areas of security concern?				
Are there security procedures in place for instances when employees work alone or after-hours?				
Are the locks on exterior doors and windows adequate and functional?				
Is office furniture structured or secured in a manner to discourage its use in a violent fashion?				
Are building/office keys designed to be non-duplicable?				
Are unserviceable items (e.g. burned out lights, broken windows or locks) promptly repaired or replaced?				
Is lighting in both interior and exterior areas adequate?				
Does the employee parking lot/garage have appropriate security and lighting?				

	Yes	No	?	Comments
Are visitors required to sign-in and/or wear visitor badges?				
Are employees required to wear visible badges or photo ID's?				
Are employees familiar with the agency/office security procedures?				
Are emergency exits accessible and clearly marked?				
Are management or security escorts to/from the building available for employees if needed?				
<b>Work Functions &amp; Environment</b>				
Does the work have a direct impact on services that affect another person's ability to meet his/her personal needs?				
Does the work have a direct impact to alter another person's life through adverse consequences?				
Do employees have a high degree of exposure to the public?				
Do employees handle money or valuables?				
Do employees provide direct services to others?				
Is the work function highly regimented or bureaucratic?				
Does the worksite have good morale?				
Do employees feel that the staffing levels are sufficient for the workload?				

	Yes	No	?	Comments
Do employees feel that the management style is appropriate?				
Is open communication practiced?				
Do employees feel that there is sufficient physical space in the office for privacy and effective working considerations?				
Is there a good labor-management relationship?				
Are there interpersonal conflicts within the work environment?				
Is there is a high level of staff turnover?				
Do employees work in isolated areas or in the field?				
Do employees work with patients, clients and/or customers that have a history of violent behavior?				
<b><i>Human Resource Policies &amp; Procedures</i></b>				
Does the agency have a workplace violence prevention policy?				
Are employees familiar with the agency policy, including knowing how to report incidents of workplace violence?				
Have employees received training on workplace violence prevention?				
Are employees encouraged and required to report all incidents of workplace violence?				
Are all reported incidents of workplace violence investigated?				

	Yes	No	?	Comments
Are employees notified when investigations are completed, including whether or not workplace violence was determined to have occurred?				
Are supervisors trained in effective supervisory intervention techniques?				
Do supervisors closely monitor employee performance?				
Do supervisors contact their human resource office to discuss concerns about employee performance and/or behavior?				
Do supervisors take timely action when employee performance and/or behavior are not satisfactory?				
Do supervisors monitor and supervisor their employees in a consistent manner?				
Is potential discipline reviewed by the human resource office to ensure that it is applied in a fair and consistent manner?				
Do supervisors conduct pre-disciplinary conferences alone?				
Are pre-disciplinary conferences conducted in a neutral location?				
Are pre-disciplinary conferences or discipline scheduled around holidays or other significant dates?				
Do supervisors notify employees of the termination of employment alone?				
Do supervisors and human resource staff attempt to work proactively with unions before and during the disciplinary process?				
Do supervisors and human resource staff consider whether security may be needed during the disciplinary process?				