

MANAGEMENT DIRECTIVE

Commonwealth of Pennsylvania Governor's Office

Subject: Workplace Violence	Number: 205.33 Amended
Date: June 16, 2014	By Direction of:  Kelly Powell Logan, Secretary of Administration
Contact Agency: Office of Administration, Office for Human Resources Management, Bureau of Employee Benefits and Services, Telephone 717.787.8575	

This directive establishes policy, responsibilities, and procedures on preventative measures and responses to violence in the workplace. Marginal dots are excluded due to major changes.

- 1. PURPOSE.** To establish policy, responsibilities, and procedures to prevent incidents of violence in the workplace and for incident response and reporting.
- 2. SCOPE.** This directive applies to all departments, boards, commissions, and councils (hereinafter referred to as "agencies") under the Governor's jurisdiction. Independent agencies are encouraged to comply with this directive.
- 3. OBJECTIVE.** To provide policy and procedures for commonwealth agencies and employees to promote a workplace which is free of violence.
- 4. DEFINITIONS.**
 - a. Domestic Violence.** Violence that occurs between individuals who have or had a significant personal relationship.
 - b. Employee.** A person who has been hired by an agency subject to "The Administrative Code of 1929," Act 175 of 1929, P.L. 177; 71 P.S. § 51, and whose employment has not yet been terminated.

- c. **Inappropriate Workplace Behavior.** Employee actions which are inappropriate or unacceptable for the workplace but which do not rise to the level of workplace violence. Examples include, but are not limited to, time and attendance problems, decreased productivity, inconsistent work patterns, poor on-the-job relationships, unusual/changed behavior, personal conflicts, and disruptive behavior.
- d. **Protection From Abuse Order (PFA).** A legal document that prevents one individual from having contact with or being within a specified distance of another individual.
- e. **State Employee Assistance Program (SEAP).** A program designed to assist state employees and their families with alcohol, drug, emotional, family, financial, marital, or personal problems. Policy and procedures are contained in *Executive Order 1996-10, Management Directive 505.22, and Manual 505.3*, all titled *State Employee Assistance Program*.
- f. **Violence.** Behavior that results in physical harm to an individual or property, emotional harm to an individual, or the threat of such harm to an individual or property.
- g. **Warning Signs.** An observable behavior which may indicate that an individual may be a higher risk for committing an act of workplace violence. Warning signs may include; but are not limited to, overreacting, offensive or profane language, rapid speech, continual blame or excuses, being overly defensive when criticized, or repeated unusual movements such as pounding, banging, or slamming.
- h. **Workplace.** A location where employees perform job duties. The location need not be a permanent location, physical building, or commonwealth-owned property.
- i. **Workplace Violence.** 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.
- j. **Zero Tolerance.** All reported incidents of workplace violence will be investigated. Appropriate action(s), up to and including termination of employment, and potential legal action, will be taken for all incidents where an investigation has determined that workplace violence has occurred.

5. POLICY.

- a. Workplace violence by or against commonwealth employees is prohibited. The commonwealth has a "zero tolerance" policy for incidents of workplace violence.

- b. Violations of this policy by a commonwealth employee may lead to disciplinary action, up to and including termination from employment. The employee may also be subject to criminal prosecution.
- c. Law enforcement employees who use force within their line of work are not in violation of this directive, so long as their actions are in compliance with applicable statutes and agency policies.
- d. All managers, supervisors, and employees are to be made aware of the commonwealth and agency policies on workplace violence and are required to receive training on workplace violence prevention and response.
- e. The commonwealth recognizes the sensitivity of domestic violence, the challenges in ending such violence, and the need for a coordinated effort of support and resources. As such, no commonwealth employee shall be required to disclose that he or she is a victim of domestic violence or has filed a PFA. Employees who make such a self-disclosure shall be referred to SEAP, shall not be discriminated against for such self-disclosure, and shall be afforded the same level of confidentiality as any other individual seeking assistance for a personal issue.
- f. Agencies are to remain flexible in order to assist employees who self-disclose that they are victims of domestic violence, subject to operational efficiency and existing collective bargaining agreements, including:
 - (1) Approval of paid and unpaid leave.
 - (2) Relocation of current work space within the existing office building, or temporary or permanent transfer to an alternate work location.
 - (3) Temporary adjustment to work schedule/hours.
- g. In cases where a PFA exists and the perpetrator and victim are employed by the same agency or are working in the same building, the agency will work to ensure a safe and productive work environment.
- h. Incidents involving bomb threats and suspicious packages shall be handled in accordance with *Management Directive 720.7 Amended, Bomb Threats and Suspicious Packages*.

6. RESPONSIBILITIES.

- a. **Office of Administration, Office for Human Resources Management (OA/HRM), Bureau of Employee Benefits and Services (BEBS)** shall:
 - (1) Provide overall policy guidelines to assist agencies in designing and/or implementing agency-specific workplace violence prevention and response programs, including the development of agency policies, training, and informational materials.
 - (2) Coordinate a commonwealth workplace violence reporting system and provide periodic reports to agencies on incidents and trends of workplace violence in commonwealth agencies.

- (3) Coordinate the development of a workplace violence prevention training program which can be delivered through a variety of means.
- (4) Function as a resource for the identification of workplace violence information and training resources.
- (5) Provide assistance to agencies through SEAP debriefing services following a critical incident, in accordance with *Executive Order 1996-10, Management Directive 505.22, and Manual 505.3*, all titled *State Employee Assistance Program*.
- (6) Ensure that SEAP has sufficient resources statewide to assist and support victims of domestic violence.

c. Department of General Services (DGS) shall:

- (1) Develop and provide training or guidance on bomb threats and suspicious packages, in accordance with *Management Directive 720.7 Amended, Bomb Threats and Suspicious Packages*.
- (2) Develop and provide training on selected workplace violence issues and other security measures, as appropriate.
- (3) Respond to incidents of workplace violence in worksites under the jurisdiction of DGS where law enforcement assistance is requested.

d. Agency Heads shall:

- (1) Designate an agency workplace violence coordinator and provide the name to BEBS. As appropriate, individual field/worksites workplace violence coordinators should also be designated and their names provided to BEBS.
- (2) Ensure that the agency develops and implements an agency workplace violence prevention and response policy and program which are consistent with this management directive and *Manual 505.6, An Agency Guide to Workplace Violence Prevention and Response*.
- (3) Provide necessary support and resources to the agency workplace violence prevention program.
- (4) Create a workplace environment which encourages discussion of workplace violence issues and encourages employees who have filed a PFA to inform the agency human resources office so that appropriate safety precautions can be implemented.
- (5) Ensure that all employees receive the required training on workplace violence prevention and response on an annual basis.
- (6) Ensure that all reported incidents are investigated and that appropriate action(s) is taken when the investigation substantiates that workplace violence has occurred.

- (7) Ensure that existing agency policies are applied in a flexible manner to support employees who self-disclose that they are victims of domestic violence, consistent with agency and commonwealth policy.
- (8) Ensure that all incidents of workplace violence are reported to BEBS through the commonwealth's electronic workplace violence reporting system.

e. Agency Workplace Violence Coordinators shall:

- (1) Implement the provisions of this management directive and the agency's workplace violence prevention policy and program.
- (2) Identify, in conjunction with agency management, the types of workplace violence prevention initiatives which are appropriate to meet agency needs.
- (3) Coordinate with BEBS, Capitol Police, State Police, local law enforcement authorities, and other resources to obtain appropriate advisory services and training to meet the agency's needs.
- (4) Serve as a resource for managers, supervisors and employees regarding workplace violence prevention and response issues, including the development of worksite plans.
- (5) Coordinate the delivery of workplace violence prevention training and the dissemination of information regarding workplace violence prevention.
- (6) Ensure that all employees are aware of the internal agency procedures for reporting incidents of workplace violence.
- (7) Ensure that all reported incidents of workplace violence are investigated, and as appropriate, participate as a member of the agency's assessment team in accordance with *Manual 505.6, An Agency Guide to Workplace Violence Prevention and Response*.
- (8) Report all incidents of workplace violence through the commonwealth's electronic workplace violence reporting system.
- (9) Notify the agency SEAP coordinator of all serious incidents of workplace violence so that appropriate SEAP services may be considered, and ensure that all agency policies and procedures regarding workplace violence include information regarding the availability of SEAP.
- (10) Notify the agency human resources director and agency legal office of all instances where the agency has been notified that an employee has filed a PFA against another person, ensure that appropriate safety precautions are implemented, and work with the manager/supervisor to make appropriate job-related adjustments.

f. Managers and Supervisors shall:

- (1) Ensure employees are provided with and are familiar with the commonwealth and agency workplace violence prevention policies, agency specific information and any local worksite plans.
- (2) Be proactive in their supervisory responsibilities to minimize risk of workplace violence consistent with operational considerations, and initiate corrective action and discipline where warranted.
- (3) Encourage any employee that may be experiencing personal problems to contact SEAP.
- (4) Consult the agency human resources office when employees show signs of inappropriate workplace behavior, show warning signs of potential workplace violence, or demonstrate behavior that may be workplace violence.
- (5) Report all incidents of workplace violence in accordance with agency procedures.
- (6) Notify the agency workplace violence coordinator when an employee self-discloses that he or she has a PFA against another individual, treat the information in a confidential manner, and encourage the employee to seek assistance through SEAP.

g. Agency SEAP Coordinators shall:

- (1) Notify BEBS following serious incidents of workplace violence and request a critical incident stress debriefing where warranted.
- (2) Inform managers and supervisors of the resources available through SEAP should an incident of workplace violence occur.

h. Employees shall:

- (1) Read and be familiar with the commonwealth and agency workplace violence prevention policies and procedures, and be proactive in the prevention of workplace violence incidents.
- (2) Immediately report all incidents of workplace violence to their supervisor.
- (3) Consider notifying their supervisor or human resources office if they have a PFA against another individual so that the agency can take appropriate safety precautions.

7. PROCEDURES.

- a. A copy of this directive shall be posted in all commonwealth-owned and leased office buildings.

- b. Agencies are to use the procedures found in *Manual 505.6, An Agency Guide to Workplace Violence Prevention and Response*, for the development of a comprehensive workplace violence prevention and response program, including worksite assessments, development of local worksite plans, the formation of field and central office assessment teams where warranted, and periodic reviews of the effectiveness of the agency program.
- c. Employees, supervisors, and managers who witness or experience any workplace violence situation, as defined in this directive, must report the incident through established agency reporting procedures.
- d. All employees must receive training on workplace violence awareness and prevention on an annual basis, in addition to being provided a copy of the agency policy on workplace violence prevention.
- e. Immediate action must be taken in the event of a workplace violence incident and appropriate emergency and law enforcement personnel should be contacted if the incident warrants.
- f. Agencies must immediately report any serious or life threatening incidents of workplace violence, such as bomb threats, attacks with a weapon, rape, suicide and murder to BEBS via telephone or email, after emergency and law enforcement personnel have been notified and the situation contained.
- g. The agency SEAP coordinator should contact BEBS following all serious incidents of workplace violence to make arrangements for any needed SEAP services.
- h. Agencies must report all incidents of workplace violence to BEBS via the electronic system. Agencies must enter all incidents that are reported to them, regardless of whether the investigation determines that the incident represents workplace violence. Agencies may enter the reports at the conclusion of the investigation, or may enter the reports at the time the incident is brought to their attention and then later update the report once the investigation has been concluded.

This directive replaces, in its entirety, *Management Directive 205.33*, dated June 22, 1999 and *Management Directive 505.31*, dated May 31, 2004.