



## **STATE OF DELAWARE WORKPLACE VIOLENCE POLICY**

### **Policy Statement:**

The State of Delaware is committed to providing a workplace that is safe, secure and free of harassment, threats, intimidation and violence for all employees. It is every employee's duty to maintain a safe workplace. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involves or affects state employees or which occur on state property will not be tolerated.

### **Policy Scope:**

This policy applies to all locations where state employees work or represent the State of Delaware. This includes the workplace, customer and vendor premises and State sponsored events and activities. The workplace is any location, either permanent or temporary, where an employee performs any work-related duty. This includes but is not limited to buildings and the surrounding perimeters, including parking lots. It includes all state-owned, leased or donated space, including vehicles, and any location where state business or sponsored activity is conducted.

### **Policy Provisions:**

#### **A. Threats or Acts of Violence Defined:**

We do not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. Threats or acts of violence include conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter the conditions of state employment, or to create a hostile, abusive, or intimidating work environment for one or more employees, customers, or business partners.

#### **B. Definition of Workplace Violence:**

Workplace violence is defined as all threats or acts of violence occurring on state property, as defined in the policy scope, regardless of the relationship between the state and the individual involved in the incident. This list of behaviors, while not all inclusive, provides examples of conduct that is prohibited:

- aggressive or hostile behavior that creates an objective reasonable fear of injury to another person or subjects another individual to emotional distress;
- intentionally damaging employer property or property of another employee;
- hitting or shoving an individual with any part of one's body and/or object;
- threatening to harm an individual or his/her family, friends, associates, or their property;

- the intentional destruction or threat of destruction of property owned, operated, or controlled by the state;
- making harassing or threatening telephone calls, or sending harassing or threatening letters or other forms of written or electronic communications;
- intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable, law, administrative rule, or policy that would affect the business interests of the state;
- the willful, malicious and repeated following of another person, also known as “stalking”, and making of a credible threat with intent to place the other person in reasonable fear for his or her safety;
- making a suggestion or otherwise conveying that an act to injure persons or property is “appropriate”, without regard to the location where such suggestion occurs;
- possession of a weapon while on employer property or while on employer business (unless specifically approved by the Cabinet Secretary/Agency Head as a job-related requirement);
- committing acts of violence motivated by, or related to, race, age, color, national origin, religion, sexual orientation, sex, disability, marital status, sexual harassment or domestic violence.
- Violence can include more than inflicting physical harm to others or self. Violent behavior also consists of threats and acts of aggression. Some examples of threats are remarks of revenge and abusive and obscene statements. Acts of aggression are abusive behavior, such as stalking, pounding of fists, stomping, swiping at objects, tearing paper and tampering with property, in an attempt to intimidate, inflict harm or destroy property.
- (Steps to Help Prevent Workplace Violence can be found in Appendix A.)

### C. Procedure:

All personnel are responsible for notifying their supervisor of any threats, which they have witnessed or received. Threats against supervisors and co-workers can foreshadow violence. Even without any actual threat, employees should report any behavior they have witnessed which they regard as threatening or violent, when the behavior is related or might be carried out at work or is connected to State employment. Employees are responsible for making this report, regardless of the relationship between the individual who initiated the threat or threatening behavior. Any potentially dangerous situations must be reported immediately to a supervisor or the human resource office. The supervisor is responsible for reporting the situation to his/her division director/office chief. The division director/office chief is responsible for ensuring that the human resource office and the Cabinet Secretary/Agency Head have been notified of the incident. Reports can be made anonymously and all reported incidents will be investigated if there is sufficient information in order to initiate an investigation. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. Acts of aggression and violent behavior should also automatically require action. When they occur, management should tell aggressive employees to leave the workplace or have them removed. A decision should be made regarding disciplinary action. If the employee(s) remains employed, they should be assisted in obtaining counseling. The employee(s) that was the target of the aggression should have their needs and concerns addressed. The State will actively intervene at any indication of a possibly hostile or violent situation.

#### D. Warning Signs, Symptoms and Risk Factors:

While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the human resource office if any employee exhibits behavior, which could be a sign of a potentially dangerous situation. Such behavior may include:

- discussing weapons or bringing them to the workplace;
- displaying overt signs of extreme stress, resentment, hostility, or anger;
- making threatening remarks;
- sudden or significant deterioration of performance;
- displaying irrational or inappropriate behavior;
- dropping hints about a knowledge of firearms;
- making intimidating statement like: “You know what happened at the Post Office,” “I’ll get even” or “You haven’t heard the last of me.”
- physical signs of hard breathing, reddening of complexion, menacing stare, loudness, fast profane speech;
- having a romantic obsession with a co-worker who does not share that interest;
- intense anger or lack of empathy;
- history of interpersonal conflict; domestic problems, and/or unstable/dysfunctional family;
- brooding, strange behavior or “time bomb ready to go off.”

Supervisors should be alerted to and aware of these indicators. If an employee exhibits such behavior, those observing the behavior should advise their chain of command regarding their concerns and the employee should be monitored and such behavior should be documented.

E. Domestic Violence: This policy encourages all state employees to be aware of the issue of domestic violence and its impact in the workplace. The Office of Management & Budget/Human Resource Management and/or agency human resource offices can direct employees to resources to either learn more about or receive services related to domestic violence. The Domestic Violence Coordinating Council is the State agency responsible for coordinating the State’s efforts in domestic violence. The Domestic Violence Coordinating Council’s website, [www.dvcc.state.de.us](http://www.dvcc.state.de.us), has a list of available resources. This policy also requires all individuals who apply for or obtain a protective or restraining order which lists a State location as being a protected area, to provide to the designated management representative a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

Further, any employee who is involved in the criminal justice process as a complainant/victim, and is protected by a “no-contact order” as part of this process will furnish to management the particular circumstances of this order.

Any employee who is the respondent in a civil protective proceeding, and/or the defendant/offender in a criminal “no-contact” proceeding, and for whom the complainant/victim is employed at the same job site, is responsible for furnishing to management a copy of the criminal and/or civil order.

Upon receipt of information as indicated above, management is to develop a plan ensuring compliance with the order and promoting the safety of the employee and others at the job site. The Delaware State Police or Capitol Police can be helpful in developing this plan. Management, to the extent that it is practicable, is to consider the privacy of the complainant/victim and is to avoid re-victimization. If both parties are at the same worksite, the plan should include measures to ensure compliance with the order as well as the safety of the parties and the other workers. Further, such a plan should not penalize the complainant/victim.

Agencies interested in domestic violence related training can contact the Domestic Violence Coordinating Council at 255-0405.

#### F. Dangerous/Emergency Situations:

In all situations, if violence appears to be imminent, employees should take the precautions necessary to assure their own safety and the safety of others. Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should attempt to remain calm. If a supervisor or security officer can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given by the individual. If possible, employees should immediately notify proper law enforcement authorities and/or security if they believe that there is a serious threat to their safety or the safety of others.

#### G. Enforcement:

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. The violation of this policy may be grounds for discipline up to and including dismissal based on the just cause standard set forth by Merit Rule 12.1, or any collective bargaining agreement, whichever is applicable to the subject employee. Exempt employees shall be subject to appropriate discipline without recourse, except as provided by law. If appropriate the proper law enforcement officials should be notified and the action will be fully prosecuted. Non-employees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted.

#### H. Fitness-for-Duty Evaluation:

At the discretion of the Cabinet Secretary or Agency Head, an employee exhibiting warning signs, symptoms and risk factors, that indicate violence, including but not limited to those set forth in Section D of this policy, may be ordered to submit to a psychological evaluation to determine the employee's fitness-for-duty. The human resources office will provide a list of health care providers as appropriate for the situation. The health care provider should report the results of the evaluation to the human resources office which shall then consult with the Cabinet Secretary or designee to determine the employee's fitness-for-duty based on the evaluation. All evaluation records shall be maintained in a confidential manner as permitted by law.

I. Referral to Delaware Employee Assistance Program or Crisis Intervention Program  
Where a supervisor suspects that an employee has work-related and/or personal problems, the supervisor should, in consultation with the human resources office,

recommend that the employee contact the State of Delaware's Employee Assistance Program for counseling and support.

J. Dissemination of Policy:

All employees will be given copies of this policy. All new employees will be given a copy of this policy as part of their orientation.

<sup>1</sup> This Policy is not intended to create any individual right or cause of action not already existing and recognized under state or federal law.

## Appendix A

### Steps to Help Prevent Workplace Violence:

-Check references of all prospective employees, and conduct criminal background checks of prospective employees where appropriate. It is imperative that every effort is made to check references of employees, especially prior criminal records.

-Take action immediately if an employee exhibits bizarre behavior. This may include requiring the employee to be drug-tested if there is “reasonable suspicion,” disciplining the employee up to and including termination, or granting the employee a leave of absence and referring them for psychiatric assistance.

-Inform employees that threats of violence will not be tolerated. Through written and oral communication, make employees aware that threats of violence will be treated the same as acts of violence. Employees who threaten others will be subject to discipline up to and including termination.

-Be aware of workplace romances that have “gone sour”. Failed romantic relationships involving co-workers can often lead to charges of sexual harassment. This harassing conduct can be a prelude to violence.

-Develop a crisis plan. This plan should be shared with all employees so that they can know how to react in a crisis, including who is responsible for managing and responding to threats. It is a good idea to designate a management representative who will be responsible for handling workplace violence issues. This plan should provide for: reporting incidents to local law enforcement authorities; securing work areas where the disturbances occurred; ensuring the physical safety of employees and others remaining in the area as soon as possible; ensuring that no work area is left short-staffed while others assist the victim or help secure the area; and quickly assessing the safety of the work area if it was disturbed or damaged during an incident.

-Take all threats of violence seriously. If management is aware that an employee is being threatened, they should act to protect that employee during working hours. This may mean considering heightened security.

-Develop a procedure for reporting incidents. A procedure for reporting violent incidents should be developed. This procedure will apply to all types of violent incidents, whether or not physical injury has occurred (i.e. verbal abuse, threats of violence, menacing, etc.). This procedure should be in writing and should be easily understood by all employees. It should take into account issues of confidentiality or employees may be reluctant to come forward. Each incident should be reported to and evaluated by a designated management representative.

-Conduct a detailed investigation of incidents. All incidents should be investigated as soon as possible. A delay of any kind may cause important evidence to be removed, destroyed intentionally or unintentionally. The investigation should be focused on fact-finding to prevent reoccurrence.