State of Louisiana
DIVISION OF ADMINISTRATION
OFFICE OF THE COMMISSIONER

M. J. "MIKE" FOSTER, JR.
GOVERNOR

MARK C. DRENNEN
COMMISSIONER OF ADMINISTRATION

DIVISION OF ADMINISTRATION

POLICY NO. 9

EFFECTIVE DATE: **January 1, 1998; Revised August 20, 1998**

SUBJECT: **Workplace Violence**

AUTHORIZATION: _____
Mark C. Drennen
Commissioner of Administration

I. AUTHORITY:

State of Louisiana Executive Order No.MJF 97-15, Violence in the Workplace

II. POLICY:

The Division of Administration (hereinafter referred to as the Division) is committed to achieving and maintaining a violence-free workplace for its employees and those conducting business at its worksites. The Division will take every reasonable step to create a safe and secure work environment free of violence, aggressive acts, verbal and non-verbal threatening behavior and harassment toward or by its employees or the public they serve.

III. PURPOSE:

To promote a positive, respectful and safe work environment that fosters employees' productivity, safety and security.

To inform all employees of their responsibilities in an ongoing violence prevention program.

To set into place a plan for quickly responding to violence if it does occur.

IV. APPLICABILITY:

This policy applies to all employees of the Division and to all sections within the Division, regardless of funding source.

V. DEFINITIONS:

A. Assault: an attempt to commit a battery, or the intentional placing of another in reasonable apprehension of receiving a battery.

B. Battery: the intentional use of force or violence upon another; or the intentional administration of a poison or other noxious liquid or substance to another.

C. Credible threat: a statement or action that would cause a reasonable person to fear for the safety of him/herself or that of another person and does, in fact, cause such fear.

D. Intentional: refers to conduct when the circumstances indicate that the offender, in the ordinary course of human experience, must have considered the criminal consequences as reasonably certain to result from his/her action or failure to act.

E. Violence: the commission of an assault or battery or the making of a credible threat. In this context, an unwarranted exertion of force or power, including any intentional actions or words meant to embarrass, ridicule, degrade or provoke another that results in physical or emotional injury to that person or any verbal, physical, or psychological threat or assault on an individual intended to cause, or actually resulting in, physical and/or psychological damage.

F. Workplace (or worksite): any site where an employee is placed for the purpose of completing job assignments.

G. Workplace violence: violence that takes place in the workplace.

VI. PROCEDURE:

A. Workplace Violence Assessment Team

1. Primary responsibility for developing and implementing the workplace violence program within the Division shall rest with members of the Workplace Violence Assessment Team (hereinafter, Assessment Team), which shall be chaired by the appointing authority.

2. The Assessment Team shall consist of at least five members as follows:

   a. the appointing authority

   b. the Director of Personnel Services, or her designee;

   c. the General Counsel, or her designee.

   d. Whenever a physical environment issue is presented for consideration, the Director of the Office of State Buildings and Grounds, or his designee, shall become a part of the Assessment Team.

   e. Additional members may be added by the Commissioner or his designee.

3. The duties of the Assessment Team will include, but are not limited to, the following:

   a. assessing the hazards reported by section heads and others and determining appropriate actions to ameliorate them;

   b. identifying violence potential and vulnerabilities;

   c. designing and developing appropriate responses to threats and acts of violence;

   d. working with building tenant committees to identify and correct building-specific security issues;

e. assuring that appropriate violence prevention training is made available to all employees; and

f. providing for timely and appropriate incident response.

4. Members of the Assessment Team shall be appointed and the initial meeting shall be held no later than thirty days after the effective date of this policy.

B. Workplace analysis

1. Each section head will be responsible for analyzing his/her section's work environment to find existing or potential hazards for the occurrence of workplace violence and reporting them to the Assessment Team. The workplace analysis entails reviewing specific procedures or operations that contribute to hazards and specific locales where hazards may develop.

2. The initial analysis shall be completed and reported to the Assessment Team no later than June 30, 1998, and additional analyses shall be made whenever there is a significant change in work procedures and at least on an annual basis.

3. The section head may delegate the authority for conducting the workplace analysis (for example, to the section's safety coordinator), however, he/she is responsible for workplace analysis in the section.

C. Hazard prevention and control

1. After reviewing the workplace analyses submitted by section heads or others, the Assessment Team shall be responsible for assessing the degree of risk of each identified hazard, researching and considering adaptations and controls to reduce the hazards, and making recommendations for physical or work practice changes to the Section Heads or to the Commissioner, as appropriate. Tenant committees may be consulted as needed before making recommendations.

2. The Assessment Team shall follow up on any recommendations made to assure action is taken and to assess the success of change.

D. Incident response and evaluation

1. The Division will provide assistance for victimized employees and employees who may be affected by witnessing a workplace violence incident. Whenever an incident takes place, injured employees will receive appropriate medical treatment and psychological evaluation as necessary, in accordance with existing statutes. The Assessment Team will be responsible for assuring assistance is provided through the Employee Assistance Program, Office of Risk Management, or other appropriate source.

2. An employee who has been threatened or assaulted by another at the workplace will immediately report the situation to his/her supervisor. The supervisor to whom the incident is reported will immediately notify the appointing authority.

3. Written statements shall be obtained from all involved, including those who witnessed the incident. Concurrent with obtaining the written statements or as soon as possible thereafter, a person designated by the appointing authority shall interview all parties to the incident, including victims, subjects and witnesses, and shall prepare written summaries of the interviews, which shall be the bases on which to determine the facts of the event. The appointing authority shall determine whether a human resources representative is either to perform this function or to take part in the interviews, since disciplinary action could be warranted as a result of the incident.

4. At the time an act of violence occurs, the following actions should be taken in accordance with the severity of the incident:

   a. The situation is not dangerous:

      (1) Separate employees involved and isolate until they are interviewed and their statements are taken.

(2) Separate witnesses until they are interviewed and their statements are taken.

(3) Document all actions and statements.

b. The situation is dangerous:

(1) Contact local police or your building security. (The section head is responsible for assuring these phone numbers are posted in their sections.)

(2) Order all those presenting the danger to leave the facility immediately (unless this actions must be taken by police/security).

(3) Do not attempt to physically remove an individual (leave it to the police/security).

(4) Document all actions and statements.

5. The appointing authority shall be responsible for assuring that training in incident response is made available to all employees.

E. Records

1. Records associated with violence in the workplace shall be kept in a permanent, secure, and confidential manner.

2. The following records are important and shall be maintained in accordance with pertinent statutes as part of the violence prevention program:

a. reports of work injury, including workers' compensation injuries, if necessary;

b. reports for each reported assault, incidents of abuse, verbal attack, or aggressive behavior occurring between persons in the workplace;

c. police reports of incidents occurring in the workplace;

d. minutes of safety meetings, records or hazards' analysis, and corrective actions recommended;

e. violence in the workplace training, including subjects covered, attendees, and qualifications of trainers; and

f. other appropriate reports.

F. Evaluation

1. The Assessment Team shall conduct an annual evaluation of safety and security measures affecting the violence prevention program. The Team shall utilize the expertise of the Office of Risk Management, safety coordinators or other offices which interface with the Division's Workplace Violence Program. Additional evaluations shall be conducted within six months after the installation of major physical or work practice changes.

2. The evaluation program shall consist of:

a. reviewing reports and minutes from staff meetings on safety and security issues;

b. analyzing trends in illness/injury or fatalities caused by violence;

c. measuring improvement based on lowering the frequency and severity of workplace violence;

d. surveying employees before and after making job or workplace changes or installing security measures or new systems to determine their effectiveness; and

e. interviewing employees who experience hostile situations about the medical treatment (initially, several weeks later, and several months later).

G. Communication

1. The Division supports an open communication process among all employees on the issues of employee safety, security and health in the workplace. This process includes, but is not limited to:

   a. periodic review of this policy with all employees;

   b. discussions of violence in the workplace during scheduled safety meetings;

   c. posting or distributing information on violence in the workplace; and

   d. procedures to inform supervisors about violence in the workplace, hazards, or threats of violence.

2. Every Division supervisor shall provide an appropriate place for employees to discuss security concerns with assurance that necessary confidences will be maintained.

H. Training and education

1. All Division employees, including all levels of supervision, shall have training and instruction on general, job-specific, and worksite-specific safety and security practices.

2. Training and instruction shall be provided within one year of policy implementation and regularly thereafter.

3. Training shall begin with orientation of new employees within three months of employment and regularly thereafter.

4. The appointing authority shall be responsible for assuring training programs in job-specific and worksite-specific safety and security practices are developed and that appropriate programs are conducted in accordance with this policy. The Loss Prevention Unit within the Office of Risk Management

shall assist in scheduling and conducting such training within the Division.

VII. RESPONSIBILITY:

A. Management employees of the Division (including all supervisors) shall comply with federal and state statutes, rules, regulations and/or guidelines in making reasonable efforts to:

1. implement this policy and supporting plans dealing with violence in the workplace;

2. intervene in situations of harassment in the workplace where the employer is aware of the harassment;

3. ensure employees and/or independent contractors are fit for duty, and do not pose unnecessary risks to others;

4. provide security precautions and other measures to minimize the risk of foreseeable criminal intrusion based upon prior experience or location in a dangerous area;

5. maintain an adequate level of security;

6. hire, train, supervise and discipline employees;

7. provide employee training on the agency plan, warning signs of potential for violent behavior, and precautions which may enhance the personal safety of the employee at work;

8. warn an employee of a credible threat made by another to do harm to that employee;

9. support the application of sanctions and/or prosecution of offenders, as appropriate;

10. accommodate, after appropriate evaluation, employees who require special assistance following any incident of workplace violence;

11. cooperate with law enforcement agencies;

12. support a uniform violence reporting system, including reporting to the Assessment Team any threats or incidents of violence in the workplace which are observed by them or are reported to them;

13. protect employees who report credible threats from retaliation;

14. keep up-to-date records to evaluate the effectiveness of administrative and work practice changes initiated to prevent workplace violence;

15. assign responsibility for the various aspects of the workplace violence prevention program to ensure that all supervisors and employees understand their roles and responsibilities;

16. allocate appropriate authority and resources to all responsible parties;

17. hold all involved supervisors and employees accountable under this policy;

18. support and implement appropriate recommendations from the Assessment Team; and

19. treat workplace violence incidents, complaints and concerns seriously, keeping confidential all reports and the identification of parties, except to those who have a legitimate need to know and to the extent required by law.

B. Each employee of the Division is required to report to his/her supervisor (or if unable to report to the supervisor, to the appointing authority all threats or incidents of violent behavior in the workplace which they observe or of which they are informed.

1. Examples of inappropriate behavior which shall be reported include:

a. unwelcome name-calling, obscene language, and other abusive behavior;

b. intimidation through direct or veiled threats;

c. physically touching another employee in an intimidating, malicious, or sexually harassing manner;

d. physically intimidating others including such acts as obscene gestures, "getting in your face," fist-shaking, and throwing any object.

2. Each Division employee is responsible for

a. complying with the workplace violence prevention program and other safety and security measures;

b. participating in employee complaint or suggestion procedures covering safety and security concerns;

c. providing prompt and accurate reporting of violent incidents;

d. cooperating with the safety and security committee that reviews violent incidents and security problems and makes security inspections; and

e. participating in continuing education covering techniques to recognize and abate escalating agitation, assaultive behavior or criminal intent.

VIII. EXCEPTIONS:

There shall be no exceptions to this policy.

IX. QUESTIONS:

Questions regarding this policy should be directed to the Assessment Team.

X. VIOLATION OF THIS POLICY:

Employees found to have violated this policy will be subject to disciplinary action.

MCD