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<b>Section-11 Human Resources</b>	<b>OP-110214</b>	<b>Page: 1</b>	<b>Effective Date: 05/10/2016</b>
<b>Workplace Violence</b>	<b>ACA Standards: 2-CO-1C-04, 2-CO-1C-05</b>		
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## Workplace Violence

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

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

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

### I. General Guidelines

#### A. Workplace Violence

Workplace violence is an act or threat of violence by any individual that occurs at, or directly affects, the workplace. Workplace violence includes any act where there is reasonable potential for the infliction of physical or emotional harm or trauma. The actual or intended target of the act or threat may include, but is not limited to any employee, volunteer, visitor, or

vendor as well as any property owned by the state, any employee, volunteer, visitor or vendor.

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

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

1. Examples of Overt Acts of Violence

- a. Any illegal or criminal act whose purpose or effect is to inflict injury;
- b. Any deliberate act which results in bruising or physical injury to another;
- c. Deliberate touching of another, without consent;
- d. Deliberate damage to any property of the agency or any employee, volunteer, visitor or vendor;
- e. Restraint or detention of another person against his/her will for no lawful purpose;
- f. Any physical or verbal act of aggression which causes another to experience continuing emotional distress or which could be reasonably expected to cause emotional distress in others;
- g. Assaults, including those disguised as accidents; and
- h. Any verbal or nonverbal expression that communicates the intent to coerce or inflict injury, harm, or emotional distress.

2. Examples of Covert Acts or Threats of Violence

- a. Menacing actions such as stalking or blocking passage;

- b. Indirect or veiled threats; and
  - c. Display of a weapon or an object that may be used as a weapon, in an offensive or threatening manner.
3. Bullying is prohibited behavior and is addressed in [OP-110215](#) entitled "Rules Concerning the Individual Conduct of Employees."

#### B. Emergency Plans

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

#### C. Weapon Possession

1. Signs will be posted at each entrance into all institutions, probation and parole districts and sub-offices, centers, work centers and administrative offices stating:

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

2. In accordance with [OP-040106](#) entitled "Purchase, Use, and Control of Firearms and Security Equipment," all facilities/districts/units and administrative offices and buildings will develop procedures for collecting and securing all handguns carried by official visitors. Employees may store personal firearms in their personal vehicles in accordance with [OP-040106](#).
3. Unauthorized possession, display, or use of a weapon by commissioned employees inconsistent with agency procedures will be construed as a threat or act of violence and will be responded to in accordance with this procedure.

## II. Employee/Supervisory Responsibilities

### A. Reporting

1. All employees have a duty and responsibility to immediately make a verbal report to their supervisor of any observed action or threat that constitutes or could result in workplace violence or endangerment. Subsequently, all employees who acquire knowledge of such an incident will provide a narrative report (who, what, when, where, how) to the facility/district/unit head prior to the

end of the workday/shift.

2. Facility/district/unit heads will verbally report any incident of workplace violence to the appropriate division manager immediately after ensuring the safety of the employees and the workplace.

The facility/district/unit head will verbally report and submit all narrative reports of any incident of workplace violence to the office of the chief administrator of Employee Services within 48 hours of the incident.

The office of the chief administrator of Employee Services is not responsible for investigating the incident.

3. The facility/district/unit head will ensure [Attachment A](#) entitled "Workplace Violence Incident Checklist" is submitted to the office of the chief administrator of Employee Services within two weeks of the incident.
4. The office of the chief administrator of Employee Services will be responsible for maintaining a database of workplace violence incidents and will enter all information received, into the database. The database will be used for reporting statistical information.
5. Incidents occurring off-site will be reported to the facility/district/unit as specified in this procedure and incident reports will be provided by off-site ODOC host staff. The home facility/district/unit head will be responsible for investigation of the incident and all other applicable actions as specified in this procedure.

B. Duty to Warn

1. All supervisors having knowledge of a threat or impending act of violence have a duty and responsibility to warn the targeted employee and take all reasonable actions possible to prevent injury to include, but not limited to, cease and desist orders, assignment of cooling off periods, or relocation.
2. Any supervisor who fails to discharge the "duty to warn" will be subject to disciplinary action.

C. Suspension of Commission

Law enforcement duties and the peace officer commission of any employee under investigation for workplace violence will be suspended until the matter has been fully investigated and resolved.

D. Investigation

The facility/district/unit head will promptly investigate the incident and report all substantive incidents to the appropriate division manager; a copy of the investigative report will be forwarded to the chief administrator of Employee Services.

1. The division manager may refer the findings of the facility investigation to the Office of Inspector General (OIG) for further investigation if the act is believed to be a violation of law.
2. The division manager will contact the Employee Rights and Relations unit for investigation of any issues involving discrimination, retaliation, harassment, or any other issues that may be associated with Title VII. Civil Rights Act of 1964.

E. Response

The following actions will be taken in response to a threat or act of violence:

1. Immediate responses, in accordance with this procedure and [OP-110218](#) entitled "Employee Medical Exams/Inquiries and Records" may include written notification to cease and desist, discipline, referral request for psychological evaluation, referral to EAP (1-800-677-2729 or 405-947-2688), or extraordinary security measures, will be appropriately initiated.
2. Informal Response  

Implied or veiled threats of violence may be handled informally by the facility/district/unit head. Referral to the Employee Assistance Program is recommended for all involved parties.
3. Formal Response  

Acts of workplace violence, or valid threats of workplace violence for which there is a reasonable expectation that the threat could result in injury or harm to others, will be responded to formally.

  - a. Facility/district/unit heads will take immediate steps to ensure the safety of the employees, the workplace, visitors, and/or vendors and will notify the appropriate division manager or associate director.
  - b. Local and/or state law enforcement may be asked to respond to any act of violence or threat of violence if deemed appropriate.

- c. An appointing authority may place an employee on paid administrative leave as a cooling off period to defuse a potentially violent occurrence in the work place. An employee's time on administrative leave under Section 260:25-15-50 will not exceed 32 hours in any 12 month period. If necessary, in accordance with Merit Rule 260:25-11-120, a permanent employee may be suspended with pay for an internal investigation.
- d. The intended target(s) of the threat will be immediately notified verbally and in writing of the nature and severity of the threat and the general precautions being implemented by ODOC.
- e. Employees who remain at risk because of an act of violence will be advised of any continuing potential danger and the steps being taken to guard against risk of harm.
- f. The facility/district/unit head will discuss with the appropriate division manager or associate director the personnel actions to be taken regarding employees making threats or perpetrating violence.
- g. Employees making threats or perpetrating violence will not be permitted to return to work without the joint approval of the facility/district/unit head, division manager, and the appropriate executive staff member.
- h. Any employee whose conduct constitutes a serious threat to others at work may be required to submit to a mental health screening/evaluation to determine current "fitness for duty." "Fitness for duty" evaluations will be requested and performed in accordance with [OP-110218](#) entitled "Employee Medical Exams/Inquiries and Records." In the event that a "fitness for duty" evaluation is not required, the employee may be referred to EAP prior to return to work.
  - (1) ODOC will pay the costs of any mental health screening/evaluation when the agency requires the employee to go to a psychologist or psychiatrist selected by the agency.
  - (2) With the agency's approval, the employee may go to a psychologist or psychiatrist of choice; however, all costs incurred will be the responsibility of the employee.

#### 4. Actions Taken

- a. Facility/district/unit heads will provide written notification to target(s) or intended target(s) of workplace violence regarding actions taken to correct the behavior of the perpetrator.
- b. The written notification will be sent to the target(s) or intended target(s) within five working days after the matter has been addressed.
  - (1) The written notification will not include confidential information or information that would be considered sensitive and/or protected under an employee's rights to privacy as provided for under law, HCM regulations and [OP-110105](#) entitled "Employee Personnel Records."
  - (2) A copy of the written notification will be sent to the office of the chief administrator of Employee Services within five working days after the matter has been fully investigated and addressed.

F. Annual Report

Each February, the office of the chief administrator of Employee Services will compile and report data to the director. The annual report will include a summary of incidents and actions taken.

III. References

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

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

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

OP-110105 entitled "Employee Personnel Records"

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

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

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

OP-110501 entitled "Critical Incident Program"

74 O.S. § 840-2.20.A.5

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

IV. Action

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

The division managers are responsible for compliance with this procedure.

The chief administrator of Employee Services is responsible for the annual review and revisions.

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

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-110214 entitled "Workplace Violence" dated August 22, 2014

Distribution: Policy and Operations Manual  
Agency Website

Attachments

Title

Location

[Attachment A](#)

"Workplace Violence Incident Checklist"

Attached