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Justin Jones, Director Oklahoma Department of Corrections	Signature on File		

## Workplace Violence

The Department of Corrections (DOC) is committed to working with 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 DOC employees.

**Violence, threats, harassment, intimidation, and other disruptive behavior will not be tolerated in the workplace.** Employees, who inflict physical or emotional 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 offenders will not be included.

Threats of violence are the expression of intent to cause physical or mental 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, conditional, or future. Threats of violence include written, verbal, or behavioral messages that either explicitly or implicitly communicate or demonstrate intent to inflict harm or instill fear.

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 departmental employee, volunteer, visitor, or vendor property;
- 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, which could be reasonably expected to cause emotional distress in others, and which does not have a legitimate purpose;
- g. Assaults, or other injuries resulting from mishaps, 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 object that can be used as a weapon in an offensive or threatening manner.

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 department will activate its emergency plan in accordance with [OP-050102](#) entitled "Departmental and Facility Emergency Plans for Riots, Disturbances, and Major Disasters."

### C. Weapon Possession

Signs will be posted at each entrance into all institutions, probation and parole district and sub-offices and administrative offices stating, "You are now entering a state office. It is unlawful for any person having a valid concealed handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act to carry any concealed weapon unto these premises. Any violation is a misdemeanor punishable by either a fine, jail, or both and subjects the violator to having the concealed handgun license permanently revoked. IAW 21 O.S. 1277."

All facilities will develop local procedures for collecting and securing all handguns carried by employees or visitors as outlined in [OP-040106](#) entitled "Purchase, Use and Control of Firearms and Security Equipment." Facilities will post signs, which inform employees and visitors that any firearm carried pursuant to the Oklahoma Self-Defense Act must be immediately declared and secured. Signs should additionally contain a directive for employees and visitors to follow, which implements the local procedure for declaring and securing firearms.

Unauthorized possession, display, or use of a weapon by commissioned employees inconsistent with departmental procedures will be construed as a threat or act of violence and will be responded to in accordance with this procedure. Pending resolution of any investigation and evaluation due to conduct prohibited by this procedure, any involved commissioned officers will have their commissions withdrawn until completion of the investigation.

## II. Employee and Supervisory Responsibilities

All acts of violence or threats of violence will be treated seriously.

### A. Reporting

All employees have a duty and responsibility to immediately make a verbal report of any observed action or threat that constitutes or could result in workplace violence or endangerment. 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.

### B. Investigation

The facility/district/unit head will investigate promptly and report all substantive incidents to the appropriate deputy director and the Employee Assistance Program Coordinator.

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 for psychological evaluation, referral to EAP or extraordinary security measures, will be appropriately initiated.

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

C. Duty to Warn

All supervisors having knowledge of an impending act of violence have a duty and responsibility to warn the targeted employee and take all reasonable actions possible to prevent injury in accordance with these procedures.

Any employee who fails to discharge the "duty to warn" will be subject to disciplinary action.

D. Responding

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

1. Informal Response

Implied or veiled threats of violence may be handled informally by the facility/district/unit head but will be reported to the Employee Assistance Program Coordinator.

The response may include any level of progressive discipline deemed appropriate.

Referral to the Employee Assistance Program is recommended for all involved parties.

2. 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 workplace and employees, visitors, or vendors and will notify the Employee Assistance Program Coordinator and the appropriate deputy director or associate director.

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- 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. The employee making a threat will be removed from the workplace in accordance with Merit Rule 530:10-15-50 which provides up to 32 hours of administrative leave as a "cooling off" period or in accordance with Merit Rule 530:10-11-120 which provides that permanent employees may be suspended with pay for up to 20 working days 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 DOC.
- 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 deputy director or associate director the personnel actions to be taken regarding employees uttering threats or perpetrating violence.
- g. Employees uttering threats or perpetrating violence will not be permitted to return to work without the joint approval of facility/district/unit head 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 or 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 will be referred to the Employee Assistance Program Coordinator prior to return to work.

DOC will pay the costs of any evaluation where the department requires the employee to go to a psychologist or physician selected by the department. With the department's approval, the employee may go to a psychologist or physician of choice; however, all costs incurred will be the responsibility of the employee.

### 3. Actions Taken

Facility/district/unit heads will notify target(s) or intended target(s) of workplace violence in writing of actions taken to correct the behavior of the perpetrator.

The written notification will be sent to the target(s) or intended target(s) within five working days after the matter has been addressed. 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, OPM regulation and/or agency policy. A copy of the written notification will be sent to the Employee Assistance Program Coordinator within five working days after the matter has been addressed.

#### E. Reporting

1. Facility/district/unit heads will report verbally within 48 hours any incident of workplace violence to the Employee Assistance Program Coordinator. Written notification will occur within two weeks using [Attachment A](#) entitled "Workplace Violence Incident Checklist" (attached).
2. The Employee Assistance Program Coordinator will collect, compile and report data annually to the director. The annual report will include a summary of the incidents occurring, actions taken and any recommendations for policy or program revisions

#### 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, and Major Disasters"

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

74 O.S. 840-2.20

Merit Rules for Employment, 530:10-11-120 and 530:10-15-50

#### IV. Action

All facility/unit heads are responsible for developing local procedures.

The deputy directors are responsible for compliance with this procedure.

The associate director of Administrative 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 September 6, 2007

Distribution: Policy and Operations Manual  
Departmental Website

Attachments	Title	Location
<a href="#">Attachment A</a>	"Workplace Violence Incident Checklist"	Attached