

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

SECRETARY'S POLICY AND PROCEDURE MEMORANDUM (PPM) NO. 53

SUBJECT: Violence-Free Workplace

EFFECTIVE DATE: January 1, 1998

INSTRUCTION: This memorandum supersedes all other memoranda and manuals.

1. APPLICABILITY

This policy applies to all DOTD employees, and to all individuals who, while not DOTD employees, perform work at or for DOTD for its benefit.

2. PHILOSOPHY

Employees are the State's most valuable resource, and employee safety and security are essential to carrying out their responsibilities. Every employee has a reasonable expectation to perform their assigned duties in an atmosphere free from threats and acts of violence. Recognizing the increasing incidents of violence in the workplace, the Governor of the State of Louisiana issued an Executive Order committing the Governor and the State to work toward a violence-free workplace for State employees. The Department of Transportation and Development (DOTD) fully supports this effort and is committed to a violence-free workplace.

3. POLICY STATEMENTS

- A. DOTD will not tolerate threats or acts of violence in the workplace.
- B. All firearms and dangerous weapons are banned from the workplace, unless expressly authorized by the Secretary.
- C. Retaliation against any employee who reports a threat or act of violence or assists DOTD in the investigation of a complaint is strictly prohibited.
- D. No employee shall intentionally bring false charges against an employee or other person in the workplace.

4. DEFINITIONS

A. Acts of Violence

Acts of violence include any physical actions, with or without a dangerous weapon, whether intentional or in reckless disregard, that harms or threatens the safety of another individual in the workplace.

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B. Threat of Violence

A threat of violence is any act or statement which, by its very nature, causes a reasonable person to fear for his/her safety or that of another person.

C. Assault

An attempt to commit a battery or the intentional placement of another on reasonable notice of the immediate receipt of a battery.

D. Battery

The intentional, uninvited, unlawful, physical contact with another person by use of force or violence or the intentional administration of a poison or other dangerous substance to another.

E. Violence

The commission of an assault or battery or the making of a threat to use physical force against another person . Such behavior includes but is not limited to:

- (1) Intimidation through direct or veiled threats.
- (2) Physically touching another individual in an intimidating or malicious manner.
- (3) Physically intimidating others, including such acts as obscene gestures, "getting in your face," fist-shaking, and throwing any object.

F. Dangerous Weapon

For purposes of this PPM, a "dangerous weapon" means any firearm, knife, gas, liquid, or other substance or instrumentality which, in the manner used, is calculated or likely to produce death or great bodily harm.

G. Workplace

Workplace includes any sites, premises, location, or equipment, leased or otherwise, including DOTD vehicles, where DOTD employees, or individuals who perform work at or for DOTD's benefit, are engaged in DOTD business.

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5. INCIDENT RESPONSE AND EVALUATION

A. All threats of violence or acts of violence, directed at an employee or witnessed by an employee must immediately be reported to the employee's supervisor or Appointing Authority, if possible, or the HR Employee Relations Manager. The employee's supervisor to whom the incident is reported must immediately notify the Appointing Authority. As soon as the situation allows, the Appointing Authority is responsible for notifying the HR Employee Relations Manager and the appropriate Office Head.

B. When a threat or act of violence occurs or is made known, the following guidelines should be followed by those witnessing the act or able to take action.

(1) The situation is dangerous:

1 Contact emergency services at 911, the appropriate law enforcement agency, or your building security.

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

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

4 Document all actions and statements.

(2) The situation is not dangerous:

1 Separate the individuals involved and isolate them until they are interviewed, and their statements are taken.

2 Separate witnesses until they are interviewed and statements can be taken.

3 Document all actions and statements.

C. The DOTD Violence Incident Statement form is available to document a threat or violent incident. The form is located under Forms and Job Aids on the Human Resources (HR) webpage. In the absence of this form, it is the responsibility of the Appointing Authority to obtain statements. Statements must be signed and dated and include:

(1) Names of the involved parties,

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- (2) Detailed description of what occurred (including when and where) and,
- (3) if known, why it happened.

6. RESPONSIBILITIES

A. Undersecretary<sup>1</sup> and Office Head

- (1) Shall both review all evidence of violence in the workplace and, along with advice from the Appointing Authority, Employment Attorney, and HR Director, determine the appropriate disciplinary action.
- (2) Shall hold Appointing Authorities under their supervision accountable for adhering to all aspects of this policy.

B. Appointing Authorities

- (1) Shall ensure that each supervisor and employee under their supervision is made aware of the provisions of this policy.
- (2) Shall hold supervisors and employees under their supervision accountable for adhering to all aspects of the policy.
- (3) Shall immediately notify the Office Head and HR Employee Relations Manager and if applicable, law enforcement/security, when made aware of a reported threat and/or act of violence and shall promptly begin investigating.
- (4) Shall obtain a written statement from employees involved and witnesses to a threat or act of violence. A Violence Incident Statement form can be found on the HR webpage under Forms and Job Aids. Absent this form, statements must provide the necessary details found in Section 5.C. of this policy.
- (5) Shall forward a report of findings, witness statements, and disciplinary recommendations to the Office Head, Employment Attorney, and HR Employee Relations Manager.

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<sup>1</sup> All evidence of workplace violence which occurs in the Office of Management and Finance (OMF) shall be reviewed by the Executive Counsel for disciplinary action.

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- (6) Upon conclusion of the investigation, take the disciplinary action directed by the Office Head and Undersecretary.
- (7) Shall post the local law enforcement and building security telephone numbers in an area that is accessible to employees.
- (8) Shall warn an employee of a threat made by another to harm that employee.
- (9) To the extent the law allows, keep confidential all reports and identification of parties, except to those who have a legitimate need to know.

C. Supervisors

- (1) Shall promptly respond to a reported threat and/or act of violence and if applicable, contact law enforcement/security.
- (2) Shall notify their Appointing Authority of any reported threat and/or act of violence as soon as possible but no later than the close of the next business day.
- (3) Shall immediately notify their Appointing Authority in the event they are advised of a restraining order or a civil protective order.
- (4) Shall treat reports with sensitivity and discretion and maintain confidentiality to the fullest extent possible.

D. All Employees

- (1) Shall adhere to all aspects of this policy.
- (2) Shall treat threats and/or acts of violence seriously and immediately report all incidents to a supervisor or Appointing Authority.
- (3) Shall immediately notify their supervisor or Appointing Authority of any restraining orders or civil protective orders against individuals barred from the workplace. Employees may choose to submit a recent photograph of the barred individual for forwarding to security officials to assist them in identifying the individual should they appear in the workplace.

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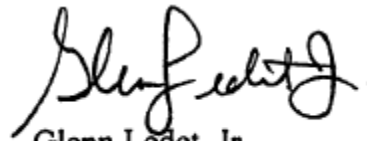
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E. HR Employee Relations Manager

- (1) Shall consult with and advise Appointing Authorities on handling of reported threats and/or acts of violence and/or concerns regarding violent or potentially violent employees.
- (2) Shall work with Executive Staff, Appointing Authorities, and the Employment Attorney to ensure procedural requirements outlined in PPM 26 (Disciplinary System) are met for employees found in violation of this policy.
- (3) Shall gather and confidentially maintain Department-wide information and records on threats and acts of violence in the workplace.

7. ENFORCEMENT

The DOTD operates a zero-tolerance policy for violence in the workplace. Employees who violate this policy shall be subject to disciplinary action up to and including termination. In most cases, termination will result from a violation of this policy. Non-employees found to have engaged in such acts on the premises of DOTD will be handled in accordance with applicable laws.



Glenn Ledet, Jr.  
Secretary