

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 towards 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 or the property of 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. Intentional

Intentional is a state of mind that exists when circumstances are such that a person either actively desires or, in the ordinary course of human experience, must have known, that the consequences of his/her act or failure to act would result from his/her action or inaction.

G. 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.

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H. 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.

5. ROLES AND RESPONSIBILITIES

A. All Employees

- (1) Shall adhere to all aspects of this policy.
- (2) Shall report any violation of this policy to their immediate supervisor or the nearest member of management. Such reports will be promptly and thoroughly investigated.
- (3) Shall notify their supervisor 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 to their Section Head/District Administrator for forwarding to security officials to assist them in identifying the individual should they appear in the workplace.

B. Supervisors

- (1) Shall promptly respond to issues related to workplace safety, and treat incidents, complaints, and concerns seriously.
- (2) Shall determine whether the appropriate law enforcement agency/building security should be contacted in the event of a potential or actual incident of violence.
- (3) Shall promptly inform their Appointing Authority of any violation of this policy even if the situation has been addressed.
- (4) Shall immediately notify their Appointing Authority in the event they are advised of a restraining order or a civil protective order.
- (5) Shall treat reports with sensitivity and discretion and maintain confidentiality to the fullest extent possible.

C. Appointing Authorities

- (1) Shall contact the Employee Relations Manager at Headquarters Human Resources as soon as possible when made aware of a violation of this policy.

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- (2) Shall coordinate with human resources, legal counsel, the investigator, and, where applicable, law enforcement/security, in the prompt investigation of any allegations of policy violations to determine the appropriate action to be taken.
- (3) Shall obtain a written statement from each employee who is a witness or party to a threat or act of violence.. Attempts should be made to obtain a written statement from each witness, including non-employees. A Violence Incident Statement form can be found on the Human Resources webpage under Forms and Job Aids.
- (4) Shall take appropriate action, disciplinary or otherwise, based on the findings of the investigation.
- (5) Shall post the local law enforcement and building security telephone numbers in an area that is accessible to their section/district employees and comply with federal and state statutes, rules, regulations, and/or guidelines regarding this policy.
- (6) Shall forward a report detailing the action taken on each incident, including copies of each Violence Incident Statement to the Headquarters Employee Relations Manager
- (7) Shall warn an employee of a threat made by another to harm that employee.

D. Human Resources

- (1) Shall work with the Appointing Authority, legal counsel, investigator, and where applicable, law enforcement/security, in promptly conducting an investigation into any allegations of policy violations.
- (2) Shall gather and confidentially maintain Department-wide information and records on threats and acts of violence in the workplace.
- (3) Shall consult with and advise Appointing Authorities regarding concerns about violent and potentially violent employees.

6. PROCEDURE

A. Incident Response and Evaluation

- (1) All threats of violence should be taken seriously when received. An employee is encouraged to report incidents whenever they feel threatened. An employee who has been threatened or assaulted by another at the

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workplace must immediately report the incident to their immediate supervisor or Appointing Authority. The supervisor to whom the incident is reported will immediately notify the Appointing Authority.

(2) At the time an act of violence occurs, the following guidelines should be followed by those witnessing the act or able to take action.

(a) 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 have them complete the DOTD Violence Incident Statement form located under Form and Job Aids on the Human Resources intranet webpage.
- 3 Document all actions and statements.

(b) 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.

7. ENFORCEMENT

The DOTD operates a zero-tolerance policy for violence in the workplace. All evidence of violence in the workplace will be reviewed by the DOTD Undersecretary and the Appointing Authority for disciplinary action.¹ Employees who violate this policy shall be subject to disciplinary action up to and including termination.

¹ All evidence of workplace violence which occur in the Office of Management and Finance (OMF) shall be reviewed by the Executive Counsel for Disciplinary Action.

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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.

A handwritten signature in blue ink, appearing to read "Shawn D. Wilson", is centered on the page.

Shawn D. Wilson, Ph.D.,
Secretary