

NORTH CAROLINA DEPARTMENT OF COMMERCE		POLICY # HR 28
Title: Violence in the Workplace		
Effective Date: April, 1996	Administering Authority: Human Resources Dir.	
Revisions:		
Statutory Authority (if applicable):		

Purpose: To provide employees within the Department a work environment free from violence.

Policy:

It is the policy of the Department of Commerce that all employees be provided a workplace which is free from violence. In doing so, the department is complying with and supporting the State Personnel Policy which prohibits violence in the workplace and the Federal Occupational Safety and Health Act of 1970 which requires that employers provide their employees with a safe and healthy work environment.

In order to enforce this policy, management has developed and implemented procedures to prevent workplace violence and to respond to incidents of workplace violence.

Definitions

WORKPLACE VIOLENCE includes, but is not limited to:., threats, intimidation, physical attack, or property damage.

THREAT shall mean the expression of an intent to cause physical or mental harm. An expression constitutes a threat 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. Examples of threats include, "You better be careful when checking your mail" or " I know where you park."

INTIMIDATION includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.

PHYSICAL ATTACK shall mean unwanted or hostile physical contact such a hitting, fighting, pushing, shoving, or throwing objects.

PROPERTY DAMAGE shall mean intentional damage to property which includes property owned by the State, employees, visitors, or vendors.

Coverage

This policy applies to all full-time, and part-time employees with either a permanent, probationary, trainee, time-limited permanent or temporary appointment and while in any place related to the individual's employment.

General Provisions

It is intended that all useful management tools such as the Disciplinary Policy and Procedures, Performance Management Program, Employee Assistance Program policy be used and applied when

necessary and appropriate to prevent potentially volatile situations from escalating into violence as defined in this policy and to secure the workplace from violence and reasonably protect employees from its effects.

Prohibited Actions and Sanctions

It shall be a violation of this policy to:

- Engage in workplace violence as defined in this policy;
- Fail to report a threat of workplace violence or an incident of workplace violence as defined in this policy;
- Use or possess an unauthorized weapon while in any place related to the individual's employment.

NOTE: An employee may possess a weapon, provided possession is in compliance with North Carolina law; and is authorized by the Secretary of the Department or designee; or is by an employee who is a certified law enforcement officer; or, is required as a part of the employee's job duties with the department; or is connected with training received by the employee in order to perform responsibilities of their job with the department.

A violation of this policy shall be considered unacceptable personal conduct as provided in Section 9 of the State Personnel Manual Policy on Disciplinary Action, Suspension and Dismissal and shall subject the employee to a disciplinary action up to and including dismissal.

Procedures for Reporting Violence

All employees of the Department of Commerce share in the responsibility of creating and maintaining a work environment free from all forms of harassment and threatening behaviors. Therefore, employees shall report any and all violations of this policy to his/her supervisor, another authorized supervisor, or the manager immediately but at least within 24 hours of the occurrence of the policy violation(s). The employee may report his/her concerns verbally or in writing. However, if the report is verbal, the employee shall be advised to follow-up in writing. Following a report of a policy violation, the employee shall be expected to cooperate fully with his/her supervisor and management during the internal investigation of the policy violation.

Managers shall promptly initiate an investigation into reports of workplace violence, including reports of threats. He/she should contact the personnel office immediately for assistance in investigating an incident of workplace violence. The personnel office will be responsible for contacting and convening the crisis management team, if warranted, and for advising and assisting management with incidents relating to workplace violence. Management may choose to remove the suspected perpetrator from the work site during the investigation by placing the individual on administrative investigator suspension (with pay). In the event of an emergency representing a threat of immediate harm, local law enforcement personnel may be contacted.

NOTE: All requests for information regarding an incident of workplace violence from the media, i.e. television, radio, newspaper, etc., shall be directed to the Public Information Staff in the Office of the Secretary.

Retaliation

Employees who act in good faith by reporting real or implied violent behavior or violations of this policy will not be retaliated against or subjected to harassment. Employees who feel they have been retaliated against for having reported a policy violation or are the subject of harassment may initiate a grievance through the Department's internal grievance procedure.

Responsibilities of Departmental Management

Create and maintain a workplace designed to prevent workplace violence.

Maintain records and periodically report on the operation of this policy and provide data on the incidence of workplace violence in a manner prescribed by the Office of State Personnel.

Establish and coordinate a crisis management team to develop a workplace violence prevention plan and serve as a resource to management.

Responsibilities of Employees

Report signs of potential workplace violence.

Cooperate with managers during an internal investigation into allegations of potential workplace violence.

Responsibilities of the Crisis Management Team

- Assist management in evaluating threats of potential violence;
- Assist management by recommending options for addressing threats or potential violence;
- Assist management in developing procedures for providing/conducting post-incident debriefing/de-escalation meetings with employees;
- Assist management by recommending preventive measures following an incidence of violence;
- Other duties as necessary and/or requested by management.