

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION

Workplace Violence Policy

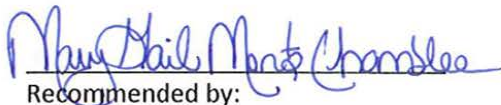
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SCOPE AND PURPOSE

The South Carolina Department of Transportation (SCDOT) is committed to maintaining a safe, healthful and efficient working environment where employees, customers and visitors are free from the threat of workplace violence. SCDOT has zero tolerance for any type of workplace violence committed by or against employees, customers or visitors. Any employee determined to have committed such acts will be subject to disciplinary action. The employee's action may also be reported to the proper authorities and fully prosecuted. Non-employees engaged in violent acts on SCDOT- premises or property will be reported to the proper authorities and fully prosecuted.

DEFINITIONS

- A. **Assault** - The intentional use of physical force causing physical injury, (impairment of physical condition or substantial pain) to another person, with or without a weapon/dangerous instrument.
- B. **Dangerous Instrument** – Any instrument, article or substance that, under the immediate circumstances, is capable of causing physical injury or death.
- C. **Harassment** – Engaging in a course of conduct, verbal or physical, which contributes to an offensive work environment. This can include but is not limited to verbal threats, profane language, derogatory comments, verbal intimidation, threatening phone calls, physical assaults, and harassing surveillance (stalking).
- D. **Reckless Endangerment** - Subjecting individuals to danger by recklessly engaging in conduct which creates substantial risk of serious physical injury.
- E. **Violent Act/Threat of Violence** – Any direct/indirect action or behavior that could be interpreted, in light of known facts, circumstances and information, by a reasonable person, as indicating potential to harm, endanger or to inflict pain/injury on any person or property.
- F. **Weapon**- Defined as any:
 - a. Firearm (including a BB gun, whether loaded or unloaded)
 - b. Knife, whose blade is more than three (3) inches long, (including a switchblade or other knife having an automatic spring release device)


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Director of Human Resources


Effective April 1, 2016
Approved by:
Christy A. Hall
Secretary of Transportation

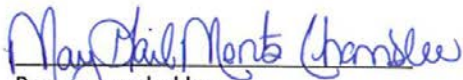
- c. Bow, cross-bow, spear gun and similarly related equipment
 - d. Stiletto (excluding a small pen or pocket knife whose blade is under three (3) inches long)
 - e. Police baton or nightstick
 - f. Any other martial arts weapon
 - g. Electronic defense weapon
 - h. Chemical agents
 - i. Explosives or blasting caps
 - j. Chains and clubs
- G. **Intimidate** - To make afraid, frighten, alarm, or scare. To force a person into or deter them from some action by inducing fear.
- H. **Stalking** - Occurs when any person willfully, maliciously and repeatedly follows or harasses another or makes a credible threat with the intent to place that person in reasonable fear for their safety or the safety of their immediate family.
- I. **State Workplace** - Anywhere an employee is conducting authorized State business, or en-route to and from (excluding normal commute) a location where State business is, will be, or has been, conducted.

RESPONSIBILITIES

The following outlines the individual responsibilities to ensure compliance with the provisions of the SCDOT Workplace Violence Policy.

Managers and supervisors shall:

- Create a positive work environment where all employees, contractors, and the public are treated with respect and consideration
- Educate employees on health and safety policies and their responsibilities, including zero tolerance for violence in the workplace
- Encourage employees to report situations that may lead to violence
- Take seriously all reports of workplace violence
- Obtain prompt medical attention, if required
- Refer employees to the SC Vocational Rehabilitation for available counseling services when necessary
- Initiate immediate and appropriate corrective actions for employees who cause a workplace violence incident
- Inform affected employees of the right to file a Workers' Compensation claim


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- Complete the SCDOT Violence Incident Report Form for all reported workplace violence incidents

Employees are responsible for:

- Acting professionally and courteously at all times
- Treating coworkers, the public, and contractors with respect and consideration
- Reporting any aggressive, threatening or inappropriate/harassing or intimidating behavior to their supervisor immediately; and
- Reporting to their supervisor any situation that could potentially cause workplace violence

STATEMENTS OF POLICY

WORKPLACE VIOLENCE: All forms of workplace violence committed by or against employees, customers or visitors are prohibited. A violent act or threat of violence is defined as any direct/indirect action or behavior that could be interpreted, in light of known facts, circumstances and information, by a reasonable person, as indicating potential to harm, endanger or to inflict pain or injury on any person or property.

These forms of violence include, but are not limited to, four (4) general types of violence; **physical attack**, the use of force in order to harm; **threats**, expressions of intent to inflict injury; **harassment**, behavior designed to trouble or worry victims and **property damage**, intentional damage to property owned or leased by SCDOT, any employee, customer or visitor. Some examples of actions/behaviors, which fall into these categories are:

- Threatening the safety of an employee and/or visitor, whether directly or implied;
- Affecting the health, life, or well-being of an employee and/or customer;
- Possession of, or threatening with, a weapon while on SCDOT property or business;
- Committing acts motivated by, or related to, sexual harassment or domestic violence;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another person to emotional distress; i.e.- bullying.
- Physical assault, threat to assault, or stalking another employee, customer, or visitor;
- Applying pressure motivated to force/compel another person to act or think in a manner contrary to SCDOT rules, regulations, policies or procedures.
- Intentionally damaging property of SCDOT or personal property of another person;
- Harassing or intimidating statements, phone calls, voicemails, e-mail messages, or those statements which are unwanted or deemed offensive by the receiver;
- Racial, cultural or other derogatory remarks associated with hate crime threats.

As termination is a common cause for feelings of anger in employees, the following procedures apply to all terminations and should be carried out by management and/or Human Resources.

- Prior to termination, assess the employee's potential for violence in deciding how and when to terminate.


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- Clearly explain the reasons for termination.
- Provide the employee an opportunity to discuss his/her concerns regarding the termination.
- Stay with the employee throughout the termination process and escort the employee out of the office and ensure they leave the premises. If the employee refuses to leave, contact local law enforcement, the District/Division Head and the Human Resources Office.

WEAPONS: The possession/use of weapons or dangerous instruments as defined previously (even if licensed to carry a weapon) or any paraphernalia associated with such a weapon by a SCDOT employee is prohibited on or *in* SCDOT property except as noted in the **EXCEPTIONS** paragraph below.


Any employee who has a question as to whether an instrument, article or substance is considered a weapon or dangerous instrument in violation of this policy should ask for clarification from their supervisor, manager or from SCDOT Human Resources prior to bringing the instrument, article or substance on SCDOT owned or leased premises.

Any weapon or dangerous instrument on/or *in* SCDOT owned or leased premises is subject to confiscation. Employees' desks, lockers, workstations, offices and files may be subject to security searches, if warranted. SCDOT's Human Resources Director or a designee and/or local authorities may conduct searches, when deemed appropriate. The employee may refuse the search; however, such refusal may result in termination for "Refusal To Cooperate With An Administrative Investigation" as outlined in SCDOT's Disciplinary Action Policy. SCDOT reserves the right to conduct searches on its property or authorize searches by law enforcement on its property without the employee being present.

SCDOT employees are strictly prohibited from carrying a weapon on their person even if they possess a concealed weapons' permit.

EXCEPTIONS: Although possession of weapons by employees is prohibited at any time while conducting SCDOT business, exceptions may be made due to conditions of employment. The Agency Head must approve any exceptions and the written documentation should be placed in the employee's personnel file. Other exceptions to this policy may be police officers, security guards, or military personnel with authorization, persons specified under Section 23-31-240 of the South Carolina Code of Laws or other persons who have been given written consent by SCDOT to carry a weapon on the property.

An agency employee who possesses a concealed weapons' permit pursuant to Article 4, Chapter 31, Title 23 and is authorized to park on SCDOT premises may keep his or her firearm locked in his or her personal vehicle while parked on SCDOT property, including the ingress and egress from the premises. The firearm must be concealed from view and stored in a place in the vehicle that is not readily accessible to any person upon entry to the property.


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WORKPLACE VIOLENCE REPORTING PROCEDURE

If a Workplace Violence incident occurs, the first person that becomes aware of it shall immediately notify someone in authority, (e.g., a supervisor, manager, security, personnel or the Safety Officer). If it is safe to do so and the situation threatens life and/or property, call 9-911.

- If you experience or witness any form of harassment, threats or acts of violence from another employee, report the incident immediately to your supervisor. If your supervisor is the aggressor, report through the appropriate chain of command.
- Any supervisor who receives a complaint related to acts of violence, threats, coercion, harassment or has reason to suspect that these acts or behaviors are occurring, must immediately notify the Division Head/DEA and Human Resources. The designated individual must complete a "Violence Incident Report Form". The form must be completed no later than two (2) working days from the alleged event and forwarded to the Human Resources Office, along with appropriate Disciplinary Action paperwork.
- Upon being informed of an allegation of violence, threat or harassment, the designated staff must immediately investigate the matter. If necessary, law enforcement will be notified as well.
- Reports or incidents will be handled confidentially and information will be disclosed to others only on a need-to-know basis.
- All parties involved in a situation will be counseled and the results of the investigations will be discussed with them as deemed appropriate.
- Appropriate disciplinary action, up to and including termination, will be taken as deemed necessary.

The South Carolina Department of Transportation encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Department before the situation escalates into potential violence. An employee will not be retaliated against by the SCDOT for reporting acts of violence, threats and/or harassment. If you are victimized in the workplace, you are encouraged to also report the crime to local law enforcement authorities. Employees who knew of information about acts of violence, threats or harassment, but did not act consistently with this procedure may be subject to appropriate disciplinary action, up to and including termination.

All supervisors are responsible for the implementation of this policy and for ensuring that all employees have knowledge and understanding of this policy. In an effort to ensure that the employees of the South Carolina Department of Transportation understand the seriousness of the issue of workplace violence, mandatory workplace violence training will be provided.


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SCDOT VIOLENCE INCIDENT REPORT FORM

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To be completed by the individual investigating the incident. Consult with the Human Resources Office, Employee Relations section, (803) 737-1321, or your Human Resources Coordinator.

1. Individuals involved in the incident (use additional sheet[s] if necessary):

Name: _____	Name: _____
Victim or Perpetrator? _____	Victim or Perpetrator? _____
Title: _____	Title: _____
Phone: _____	Phone: _____
Immediate Supervisor: _____	Immediate Supervisor: _____
Manager: _____	Manager: _____
Location/Org.: _____	Location/Org.: _____
District: _____	District: _____

2. TYPE OF INCIDENT: (check all that apply)

<u>Threat:</u>	Verbal	Mail	Note	E-mail
<input type="checkbox"/> Communicated to victim	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Communicated to another person	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other (Specify) _____				

Intimidation:

Stalking
 Engaging in actions intended to frighten, coerce or induce duress
 Other (Specify) _____

Property Damage:

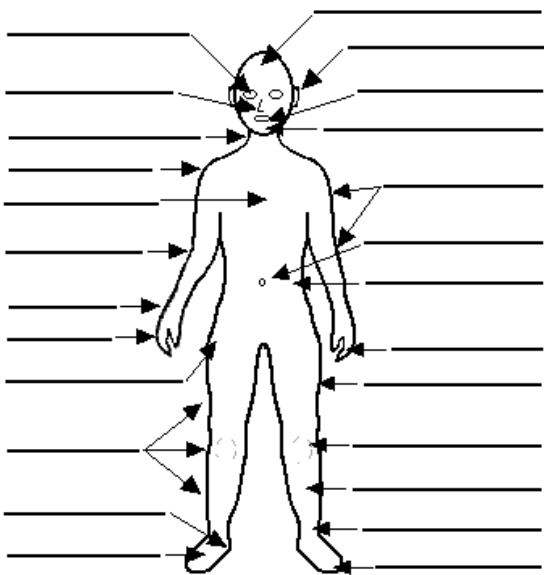
Damage to State property (Specify) _____
 Damage to personal property (Specify) _____
 Other (Specify) _____

Physical Attack:

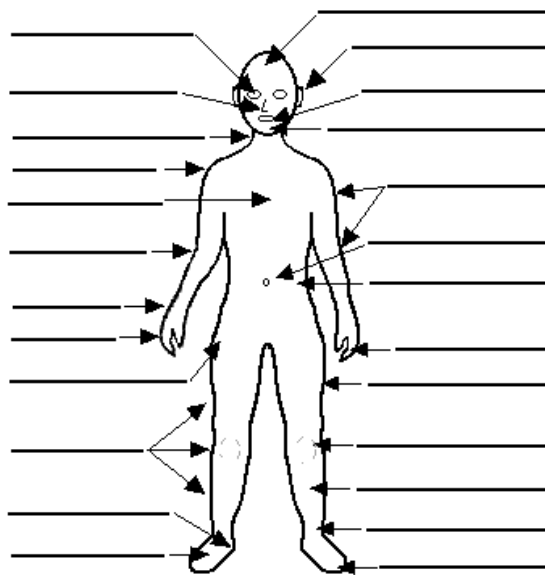
Hitting, fighting, pushing or shoving
 Use of object as weapon (Specify) _____
 Use of weapon such as gun, knife, etc (Specify) _____
 Other (Specify) _____

Place an "X" to mark the injuries on the diagrams below.

VICTIM



PERPETRATOR



3. REASON FOR INCIDENT: (If known, check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Conflict with co-worker(s) | <input type="checkbox"/> Alcohol/drugs in the workplace |
| <input type="checkbox"/> Conflict with supervisor | <input type="checkbox"/> Mental health problems |
| <input type="checkbox"/> Family/domestic dispute | <input type="checkbox"/> Reduction in force |
| <input type="checkbox"/> Receiving a poor performance appraisal | <input type="checkbox"/> Dismissal |
| <input type="checkbox"/> Racial tension | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Demotion | _____ |

4. INITIAL RESPONSE: (Check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Situation defused | <input type="checkbox"/> Human Resources Representative Notified |
| <input type="checkbox"/> EAP consulted | <input type="checkbox"/> Employee "suspended pending investigation" |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Police called |

5. Please attach a separate sheet describing the incident and list all witnesses (Give details: what was said/done, when, where and how. List name, title, unit/department, phone number, e-mail; attach any documentation you have).

Report submitted by: _____ Date: _____
(Print Name and Title)

Signature: _____