



Approved by

A handwritten signature in blue ink, reading 'Trudye Morgan Johnson'.

Trudye Morgan Johnson,
Executive Director

No. 2-35

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without modification

PREVENTING VIOLENCE IN THE WORKPLACE

AUTHORITY	Merit System Rules and Regulations, Discipline Chapter
REFERENCES	Merit System Rules and Regulations, Discipline Chapter; Employee Assistance Program; and, Occupational Safety and Health Administration (OSHA) General Duty Clause, 29CFR, Section 1903.1.
BACKGROUND	<p>Violence, in one form or another (including homicides), is occurring with increasing frequency in America. Recent studies have shown that as many as two million incidents of workplace violence occur each year, with workplace homicides being the second leading cause of occupational fatalities in the United States.</p> <p>Violence at work is a threat to employees' safety and can impair their ability to perform their duties. In response to the nationwide rise in violence in the workplace, the Maryland-National Capital Park and Planning Commission is taking a proactive approach to minimize workplace violence.</p>
APPLICATION	This policy applies to all Commission employees, including appointed officers, non-career employees, and volunteers.
PURPOSE	The Commission is committed to providing a violence-free work environment for employees, patrons, volunteers, and visitors. This policy emphasizes the Commission's declaration of zero-tolerance of violence in all Commission facilities.
POLICY	Violence, including but not limited to, violent outbursts, intimidation, verbal or nonverbal threats, harassment, bullying, or other forms of threatening behavior by or against any Commission employee, citizen or patron will not be tolerated or excused. Commission employees are required to report all incidents covered by the terms of

this policy, whether the offender is an employee or non-employee. Employees may not excuse or cover for a co-worker, a citizen, or patron who threatens or commits a violent act against a Commission employee, a non-employee, or property.

An employee may be disciplined for on-the-job action(s) when the Commission's policies, or federal/state/local laws regarding violence are violated. The Commission reserves the right to take any necessary disciplinary action up to, and including dismissal for any serious breach of Commission policy or work rules (Merit System Rules and Regulations, Discipline Chapter).

The following are examples of employee actions that may result in a disciplinary action being taken:

- behavior which is detrimental or disruptive to accomplishing the Commission's work program that may include, but is not limited to, physical fighting, verbal abuse, harassment;
- abuse or destruction of Commission property or another employee's property on site;
- unauthorized use or possession of dangerous weapons on Commission property;
- threatening to do any of the above.

The Commission will, to the extent practicable, investigate any incident involving an employee or non-employee and will take any action necessary to remove threats posed by an employee or a non-employee. The Commission may also prosecute offenders of its violence in the workplace policy.


PROCEDURES

The Executive Director shall provide for the implementation of this policy through the issuance of Administrative Procedures. These procedures shall outline the responsibilities of the departments, supervisors, and employees in preventing, reporting, and investigating incidences of violence in the workplace.



ADMINISTRATIVE PROCEDURES

Authorized by:


Trudye Morgan Johnson,
Executive Director

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WORKPLACE VIOLENCE

PROCEDURES

The Executive Director shall provide for the implementation of this policy through the issuance of Administrative Procedures. These procedures shall outline the responsibilities of the departments, supervisors, and employees in preventing, reporting, and investigating incidences of violence in the workplace.

It is the policy of the Maryland-National Capital Park and Planning Commission that all employees shall have the right to work in an environment which is free of harassment, threats, verbal abuse, intimidation, and physical violence. The Commission has declared a zero-tolerance policy for any of the above mentioned violent conduct in all Commission facilities. These procedures outline the responsibilities of departments, supervisors, and employees, and establish guidelines for reporting and investigating violent incidents.

These procedures apply to all Commission employees, and where stated, to Commission patrons and visitors.

DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

Violence: Any exertion of physical force or power that is calculated or intended to seriously alarm, or result in physical or emotional harm to the person to whom it is directed or to other parties in the area, harassment, verbal abuse or threatening any of the above mentioned conduct. For purposes of this policy, the term "violence" includes the terms "harass," and "threat" that are defined below. Violence does not include comments, criticisms, and reprimands by supervisors or disagreement expressed by employees regarding matters pertaining to the performance of Commission business so long as such speech is unaccompanied by conduct otherwise prohibited and the speech is appropriate in its context.

Harass: Engaging in a course of conduct directed toward a person that serves no legitimate purpose but, may reasonably be anticipated would seriously alarm, or intimidate that person, including but not limited to the destruction of, unauthorized use of, or interference with, Commission property or the property of others; or threatening to engage in any of the above mentioned conduct.

Verbal Abuse: Speech or non-verbal expression that is calculated or intended to provoke, alarm, intimidate or result in physical or emotional injury to the person to whom it is directed or other parties in the area.

Threat: An oral, written or other expression of an intention to inflict pain, injury, or harm upon a person or thing.

Weapons: Any device, instrument or other mechanism, including specifically firearms, that is customarily used to inflict physical harm, or that is usually used for other purposes but is being brandished or, from the circumstances, it could be reasonably inferred that there is a risk of its use in connection with a violent act or threat,

Employee Assistance Program (EAP): The EAP is a Commission-sponsored program that provides employees and their families with free, confidential assistance to help resolve problems that affect their personnel lives and job performance.

RESPONSIBILITIES

Department of Human Resources and Management

- Conduct an analysis of workplace safety conditions at department facilities, upon request by departments. Coordinate review of security procedures in department facilities with the M-NCPPC Park Police;
- Review and evaluate investigative reports submitted by the Department Head, as necessary. The Personnel Manager will consult with the Legal Department, the Fair Practices Office, and Department Heads, as appropriate, when reviewing reports;
- Coordinate training on workplace violence issues with the departments;
- Provide and distribute updates on laws and notices governing workplace violence issues, analyses of current statistics and studies, and other pertinent information on workplace violence issues; and
- Provide advice and assistance to employees, supervisors, and departments regarding employee conduct issues, interpretation of the preventing violence in the workplace policy, and applicable Merit System Rules and Regulations.

Departments

- Promote a safe workplace and provide secure facilities;
- Designate staff to monitor and assist with preventing workplace violence, and coordinate Departmental actions;
- Contact the Department of Human Resources and Management, Health and Safety/Risk Management Team and the M-NCPPC Park Police to request analyses of workplace safety and security conditions at each department facility, as necessary. Departments are responsible for any changes to the workplace in any Commission-owned facility, as a result of a safety and security review;
- Develop departmental plans and procedures for ensuring employee safety. Plans should include emergency procedures to be followed for each department facility, list of emergency telephone contacts (including the M-NCPPC Park Police), a building diagram containing emergency exits, parking lot security measures, and any other safety measures deemed appropriate under the circumstances such as employee identification badges, security equipment and panic buttons, and procedures for periodic security reviews by the departments. These plans should be reviewed and revised by the departments as needed, and a copy is to be provided to the Department of Human Resources and Management, Health and Safety/Risk Management Team. Departments are to provide a copy of the Commission's Emergency Notification Plan to supervisors;
- Develop mechanisms for employees to report actual or potential incidences of violence. These mechanisms should include instructions to employees on reporting violent incidents to supervisors and/or Division

Chiefs/Deputy Directors; procedures for contacting the M-NCPPC Park Police; and information on the Commission's Employee Assistance Program. There should also be methods for employees to make confidential reports of incidences of violence, and be assured of confidentiality, when requested. Procedures are also to be developed for responding to acts of violence between employees, and between employees and non-employees;

- Ensure appropriate disciplinary measures are taken against any employee who violates this policy; and
- Conduct training workshops and seminars for employees.

Supervisors and Division Chiefs/Deputy Directors

- Make available to all employees the Preventing Violence in the Workplace policy (Practice 2-35) and its accompanying procedures;
- Make information available to employees on the Commission's Employee Assistance Program, and other resource agencies that can assist employees;
- Conduct investigations of incidents of violence with the assistance of the M-NCPPC Park Police, as appropriate, and notify the Department Head;
- Defuse the situation(s), if possible; if/when the situation becomes or has the potential to become violent, contact the M-NCPPC Park Police immediately;
- Make mandatory referrals to the Employee Assistance Program for employees who threaten or engage in violence, and to those who are threatened or victimized;
- Contact the Health and Safety/Risk Management Team for crisis intervention counseling, when appropriate;
- Provide documentation of any disciplinary actions taken against an employee who violates Commission Practice 2-35: Preventing Violence in the Workplace and the accompanying Administrative Procedures to the Department Head; and
- Provide written documentation of investigations and any recommendations to the department's designated staff coordinator.

Department Head

- Review summary of written documentation of investigations and recommendations, including recommendations of any disciplinary actions taken against employees who violate the policy and/or procedures by supervisors and/or Division Chiefs/Deputy Directors;
- Review summary analysis reports received from the department staff coordinator and confer with the department staff coordinator on recommended preventative actions;
- Ensure that Practice 2-35: Preventing Violence in the Workplace and the accompanying Administrative Procedures are communicated throughout the department and are applied consistently throughout the department; and

- Confer with the Personnel Manager, as needed, for appropriate action.

Department Designated Staff Coordinator

- Receive and review reports from supervisors, Division Chiefs/Deputy Directors, and Department Heads on investigations of potential and actual incidences of violence in the department;
- Receive emergency reports (written or oral) of potential/actual incidences of violence from employees, supervisors, and non-employees, and brief the supervisor and Division Chief/Deputy Director on the emergency incident; and
- Provide critical analysis to Department Heads upon review of the investigative reports to prevent a recurrence. The Department staff coordinator prepares and forwards summary analysis reports and preventative measure recommendations to the Department Head.

Montgomery County and Prince George’s County Park Police

- Respond to calls from Commission employees, supervisors, Division Chiefs/Deputy Directors, and/or Department Heads regarding potential or actual incidences of violence;
- Inform the Department Head of the results of any investigation following response to calls from their respective Departments;
- Coordinate with the Department of Human Resources and Management to provide training to departments on workplace violence issues; and
- Conduct an analysis of workplace security conditions at department facilities, upon request by departments. Coordinate review of safety procedures in department facilities with Department of Human Resources and Management, Health and Safety/Risk Management Team.

Employee

- Report incidences and potential incidences of violence promptly to the M-NCPPC Park Police first, then notify a supervisor, a Division Chief/deputy Director, or the department staff coordinator;
- Alert the supervisor in cases of potential violent situations (i.e. any Protective or Restraining Orders); and
- Follow all applicable policies and procedures contained in Practice 2-35: Preventing Violence in the Workplace, and accompanying Administrative Procedures.

REPORTING PROCEDURES

- When confronted by verbally abusive or harassing persons or by persons threatening bodily harm, an employee shall notify the M-NCPPC Park Police first; then notify a supervisor of the situation as soon as possible. If the threat is not immediate, the employee should submit a written or oral report to his/her immediate supervisor.
- When an employee observes a person other than law enforcement personnel possessing a weapon while on Commission property, an employee should immediately notify the M-NCPPC Park Police.

- Employees who are threatened, assaulted, or attacked while on official duty on non-Commission property shall immediately contact the M-NCPPC Park Police or dial 911 for assistance.
- Supervisors should try to defuse situations, if possible. If/when the situation becomes or has the potential to become violent, the supervisor should call the M-NCPPC Park Police or 911 immediately and then notify his/her Department Head of the emergency.
- An employee (including a supervisor) who has witnessed a violent act in a Commission workplace, or who has knowledge of facts causing him/her to reasonably believe a violent situation is present in a Commission workplace, must immediately report the act or situation to the M-NCPPC Park Police, and to his/her immediate supervisor, Division Chief/Deputy Director, or Department Head. If a supervisor has received a report from an employee that a violent situation exists in a Commission workplace, he/she shall immediately report the act or situation to the M-NCPPC Park Police and to his/her Department Head.
- M-NCPPC Park Police Officers who respond to calls from departments regarding potential or actual incidences of violence, will document the call with a report. The M-NCPPC Park Police Records section will forward copies of reports to the Department Head where the incident occurred.

INVESTIGATION

- The Department Head shall assure a prompt and expeditious investigation and resolution of each oral or written allegation, or actual incident of violence in the workplace.
- After an incident of violence (actual or potential) has been reported, the supervisor and/or Division Chief/Deputy Director will conduct interviews with the complainant, the accused, persons suggested by either of these parties, and any witnesses believed reasonably knowledgeable of the circumstances of the allegations. This investigation will be conducted under the direction of the M-NCPPC Park Police if there is a criminal investigation into the incident (which would take precedence over a supervisor's investigation). A written report of the department's investigation will be submitted to the Department staff coordinator by the supervisor or Division Chief/Deputy Director, with any recommendations that might prevent a recurrence of the situation. If requested, the complainant and the accused shall be advised of the outcome of such investigations. If there are allegations that a supervisor, Department staff coordinator, and/or Division Chief/Deputy Director are involved in any incident of violence, they must recuse themselves from the investigative process.
- At the same time, supervisors and Division Chiefs/Deputy Directors will make any recommendations for disciplinary actions directly to the Department Head (See **Disciplinary Actions** below).
- The Department staff coordinator will review the investigative reports submitted by supervisors and Division Chiefs/Deputy Directors to monitor and evaluate the incidents and will make recommendations to the Department Head on a plan of action to prevent a recurrence, as appropriate.
- Confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.
- The Department Head should take appropriate steps to ensure that employees do not suffer reprisal for presenting allegations of workplace violence or participating in an investigation.

DISCIPLINARY ACTIONS

- Disciplinary action, up to and including dismissal, may be taken for violations of Commission Practice 2-35: Preventing Violence in the Workplace and these Administrative procedures.
- Disciplinary actions are to be handled in accordance with the Merit System Rules and Regulations, or in accordance with applicable collective bargaining agreements.

COUNSELING

- The Commission offers free and confidential counseling services through the Employee Assistance Program. Employees with questions or concerns are encouraged to use the resources of the Employee Assistance Program. The Employee Assistance Program offers day and evening appointments.
- Employees may request Administrative Leave in accordance with the Merit Rules and/or applicable collective bargaining agreements when they use the Commission's Employee Assistance Program during scheduled work hours.