

Workplace Violence Prohibited

OVERVIEW

Objective

To create a safe workplace environment free from incidents of violence.

Policy Statement

Any form of threatening behavior or violent behavior in the workplace or any threatening behavior or violent behavior that negatively affects the workplace is strictly prohibited.

Scope

This policy applies to:

- All employees of executive branch agencies (M.S. 43A.02, subs. 2 & 22).
- Classified employees of the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employees Retirement Association, and Teachers Retirement Association (M.S. 43A.04, subd. 1(a)), and
- Third parties as defined in this policy.

Definitions and Key Terms

Third party: Individuals who are not state agency employees, but who have business interactions with state agency employees, such as:

- Applicants for state agency employment
- Vendors
- Contractors
- Volunteers
- Customers
- Business partners
- Unpaid interns
- Other individuals with whom state agency employees interact in the course of employees' work, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Threatening behavior: Any verbal or physical conduct that would reasonably cause fear of physical harm to individuals or property.

Violent behavior: The use of physical force that causes or is intended to cause physical harm to individuals or property.

Warning signs of violent behavior: Observable behavior that leads to a reasonable belief that the individual may engage in violent behavior. Warning signs of violent behavior may include, but are not limited to, intensely angry demeanor, significant loss of temper, articulated plan to commit violence, oral or written remarks about violent behavior, discussing use of weapons of any kind in a harmful manner toward others or bringing weapons into the workplace without a work-related reason, or repeated aggressive movements such as pounding, banging, or slamming items.

These warning signs may be unrelated to an intent to engage in workplace violence. Agencies are encouraged to use the Employee Assistance Program (EAP) and the agency's human resources and safety offices to assess and respond to individual situations.

Workplace: A location where state agency employees perform job duties. The location need not be a permanent location, physical building, or State owned/leased property, but can be anywhere public service is being provided.

Exclusions

Individuals who are neither employees nor third parties as defined in this policy (*e.g.*, offenders in Department of Corrections' facilities; individuals in care facilities operated by the Department of Human Services or Minnesota Department of Veterans Affairs; family members of offenders and those receiving care at DHS or MDVA facilities; members of the public who are not transacting business with state agency employees).

Statutory References

M.S. 1.50 Freedom from Violence

M.S. 15.86 State Agency Actions

GENERAL STANDARDS AND EXPECTATIONS

I. Prohibited Conduct

Any form of threatening or violent behavior by an employee or a third party in the workplace, or threatening or violent behavior that affects the workplace is strictly prohibited and will not be tolerated. Threatening or violent behavior includes, but is not limited to, assault, battery, oral or written threats, stalking, intimidation, aggressive behaviors, or intentional damage to or destruction of property.

Employees who engage in threatening or violent behavior in the workplace, or threatening or violent behavior that affects the workplace, will be subject to disciplinary action. Third parties who engage in threatening or violent behavior in the workplace, or that affects the workplace, will be subject to appropriate action.

II. Employee and Third Party Responsibilities and Reporting Procedure

Employees are expected to report if they are subject to or witness threatening or violent behavior, or warning signs of violent behavior, in the workplace, that affects the workplace, or that may affect the workplace. Third parties are encouraged to make such reports.

Non-emergency situations

Non-emergency situations should be reported as soon as possible after the incident occurs. Individuals may report to any of the following:

- Agency human resources office.
- Agency safety or security office.
- Agency supervisors and management, up to and including the agency head.

If the report concerns an agency head, the individual may contact the office of the Deputy Commissioner for Enterprise Human Capital at Minnesota Management and Budget.

Emergency situations

If there are direct threats of physical violence, remain calm, move to a safe place, and immediately follow agency procedures for contacting local emergency services or 9-1-1. Follow reporting procedures under this policy during or after the incident, when it is safe to do so.

Individuals may not physically engage a hostile or threatening person, unless to protect themselves or other individuals against an immediate threat of physical injury.

Employees who knowingly file a false report will be subject to disciplinary action, up to and including discharge. Third parties who knowingly file a false report will be subject to appropriate action.

III. Employee and Third Party Responsibilities With Respect to Harassment Restraining Orders

Employees and third parties who are subject to harassment restraining orders that may affect the workplace must notify the agency human resources office so the restraining order can be evaluated to determine whether the agency must take action to comply with the order.

Employees and third parties who have harassment restraining orders against another individual that may affect the workplace are encouraged to notify the agency human resources office so that the agency can evaluate appropriate safety precautions.

IV. Manager and Supervisor Responsibilities

Agency managers and supervisors are expected to promote positive behavior and to lead by example in the respectful and professional treatment of employees and third parties.

Managers and supervisors shall:

- Enforce this policy.
- Ensure employees are provided with and are familiar with the State and agency workplace violence prevention policies, agency specific information, and any local worksite plans.
- Be familiar with their agency's site-specific emergency response plan and be prepared to respond promptly when alerted to a situation and account for employees and third parties, treat all reports seriously, and comply with agency procedures for reporting and investigation.
- Consult the agency human resources office when employees or third parties show warning signs of violent behavior in the workplace or that may affect the workplace.
- Encourage any employee that may be experiencing work or non-work related issues to contact Employee Assistance Program ("EAP.")
- Be proactive in their supervisory responsibilities to minimize risk of workplace violence, and take corrective or disciplinary action where warranted.
- Immediately report all incidents of threatening or violent behavior in the workplace, or that affects the workplace, in accordance with agency procedures.
- Notify agency human resources if the manager or supervisor becomes aware that an employee or third party has a restraining order against another individual, or is the subject of a restraining order, and that the restraining order may affect the workplace. Treat the information in a confidential manner. If the matter involves an employee, encourage the employee to seek assistance through EAP.

V. Human Resources and Safety Personnel Responsibilities

Agency human resources and safety personnel shall:

- Develop an agency-specific workplace violence prevention and response plan.
- Ensure distribution of the State and agency workplace violence prevention policies to employees.
- Be familiar with site-specific emergency response plans.
- Treat all reports of threatening or violent behavior or warning signs of violent behavior seriously. Seek counsel from agency general counsel, MMB counsel or the Attorney General's Office when necessary.
- Comply with agency investigation procedures.
- Evaluate any harassment restraining orders to determine whether the agency must take action to comply with the order or take appropriate safety precautions. Seek counsel from agency general counsel, MMB counsel or the Attorney General's Office.

- If the matter involves an employee, encourage the employee to seek assistance through EAP.

VI. Non-Retaliation

Any form of retaliation directed against an individual who makes a report under this policy or participates in any investigation of a report under this policy is strictly prohibited. Retaliation includes conduct or communication designed to prevent a person from opposing or reporting workplace violence. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

RESPONSIBILITIES

Agencies are responsible for the following:

- Adopting, implementing, and enforcing this policy.
- Disseminating this policy to agency employees.
- Posting this policy in a manner that can be accessed by all employees and third parties.
- Developing workplace violence prevention and response plans and internal reporting procedures.
- Developing and providing training on this policy and prevention and response plans.

MMB is responsible for the following:

- Developing training and related resources on this policy to supplement agency programming.
- Updating this policy as necessary.

REFERENCES

HR/LR Memo # 2021-2 Workplace Violence Prevention

Workplace Violence Prevention and Response Toolkit

CONTACTS FOR AGENCY LEADERSHIP

Deputy Commissioner for Enterprise Human Capital at Minnesota Management and Budget

MMB Enterprise Employment Law Counsel Staff

Agency leadership or Human Resources may contact Enterprise Continuity wpv.mmb@state.mn.us at Minnesota Management and Budget to receive a copy of the Workplace Violence Prevention and Response Toolkit