

PPM #3

Policy Name: *Violence-Free Workplace Policy*

Effective Date: *May 6, 1998*

Revision Date: *July 27, 2001; April 2, 2007; August 1, 2008; December 1, 2011;
July 24, 2015*

Authorization: 
Charles R. Davis, Deputy Secretary

I. POLICY

The Office of the Lieutenant Governor (OLG) and Department of Culture, Recreation and Tourism (DCRT) recognize that every employee has a reasonable expectation of performing his/her duties in an atmosphere free of violence and threats of violence. Accordingly, OLG/DCRT will not tolerate violence in the workplace. As further defined herein, OLG/DCRT prohibits employees from making any statement or engaging in any behavior that constitutes an act of violence or credible threat of violence. Moreover, the unauthorized possession and/or use of a dangerous weapon in the workplace, whether on or off duty, is strictly prohibited. This policy does not apply to law enforcement employees specifically authorized to carry weapons, or to the authorized use of utility knives or other such devices in the course and scope of employment.

II. APPLICABILITY

This policy applies to all OLG/DCRT employees, including contract employees, irrespective of the possession of a valid firearms permit from a federal, state or local agency.

III. DEFINITIONS

- A. Credible Threat of Violence: A statement or action that causes a reasonable person to fear for his/her personal safety or that of another. Such behavior includes, but is not limited to:
1. Unwelcome name calling, obscene and other abusive language;
 2. Intimidation through direct or veiled verbal threats;
 3. Physically intimidating behavior, such as obscene gestures, invading another's space, fist shaking, throwing objects, etc.

- B. Act of Violence: Fighting or other physical action, made with or without the use of a dangerous weapon, which endangers or threatens to endanger the safety of any individual in the workplace. This includes, but is not limited to, physically touching another in a harmful or malicious manner, such as punching, hitting, slapping, poking, kicking, pinching, grabbing or pushing. This includes conduct that is intentional or merely in reckless disregard for the safety of others.
- C. Violence in the workplace/workplace violence: Includes credible threats of violence and/or acts of violence.
- D. Dangerous Weapon: Firearms of any type, ammunition, knives (except pocket knives), explosive and/or incendiary devices and any gas, liquid or other substance or instrumentality which, in the manner used, is calculated or likely to produce death or great bodily harm.
- E. Workplace: All premises of the OLG/DCRT, whether on or off duty; any duty location of an employee while in the course and scope of employment; and any location where an employee is conducting OLG/DCRT business, including travel to/from business location, whether on or off duty.

IV. COMPLAINT PROCEDURE

Any employee experiencing or witnessing a threat of violence/act of violence by anyone, including any manager, supervisor, administrator, co-worker, vendor, contractor, or visitor, shall immediately report the inappropriate conduct. Any such complaint may be made verbally or in writing. Under most circumstances, complaints should be made to the employee's supervisor. If the complaint involves the employee's supervisor or someone within the direct line of supervision, or if the employee, for any reason, is uncomfortable reporting to his/her supervisor, he/she may contact any other supervisor or directly contact:

**Human Resources Director
Department of Culture, Recreation and Tourism
Post Office Box 94361
Baton Rouge, Louisiana 70804-9361
Telephone: (225) 342-0880**

V. INVESTIGATION OF COMPLAINT

- A. All complaints of prohibited workplace violence will be viewed seriously and must be immediately reported to the Human Resources Director who generally will direct the investigatory process.
- B. OLG/DCRT will investigate all complaints. "Informal" complaints or requests to withhold investigation (unless or until a future occurrence) will be treated the same as a formal complaint and investigated immediately.

- C. Generally, to prevent further occurrences or to preserve the integrity of the investigation, temporary reassignments, transfers or other personnel actions permissible under the Civil Service Rules will be initiated.
- D. The investigation will be thorough and include interviews with the complainant, the accused, witnesses and other individuals possessing relevant information. Records and other documentation will be reviewed.
- E. The investigative process will be memorialized, thus requiring that all involved prepare written statements or provide verbal statements that will be documented. Persons called upon during the investigation are required to answer all questions truthfully and cooperatively.
- G. The investigative process will be conducted expeditiously and professionally, with appropriate emphasis on the rights of all involved.
- H. The investigative process will be conducted in a confidential manner, with only those in a need-to-know position involved.
- I. The complaining employee and accused will be apprised of the outcome of the investigation.

VI. COMPLAINT RESOLUTION

- A. Any employee found, after appropriate investigation, to have engaged in prohibited workplace violence will be appropriately disciplined in accordance with applicable law and the Civil Service Rules. Such action may include counseling, reprimand, suspension, demotion, reassignment or termination.
- B. In addition to disciplinary action, other appropriate measures, including follow-up inquiries, will be utilized to insure that workplace violence does not recur.

VII. NON-RETALIATION

- A. Any employee making a good faith complaint of prohibited workplace violence will be protected from retaliation, reprisal and harassment. Likewise, any employee providing information or otherwise participating in the investigation of a complaint of workplace violence will be protected from retaliation, reprisal and harassment.
- B. If a complaint is made and the investigation reveals that retaliation, reprisal or harassment has occurred against a complaining employee or anyone participating in the investigative process, severe disciplinary action will be taken.

VIII. ADDITIONAL PROVISIONS

A. Reporting Requirements

As noted in Sections IV. and V. above, any complaints of prohibited workplace violence must be reported either directly, or through the chain of command, to the Human Resources Director. In addition, employees must immediately report the following:

1. Restraining Orders/Protective Orders

All employees must report to supervisory personnel the name of any person against whom a restraining/protective order has been obtained. Any other information requested, including physical description, address and other identifying information shall also be provided. Supervisory personnel must notify the Appointing Authority and Human Resources Director as soon as practical.

2. Unauthorized Dangerous Weapons

All employees must report to supervisory personnel the presence of an unauthorized dangerous weapon in the workplace. Employees should presume that weapons are unauthorized unless carried by uniformed enforcement personnel. Supervisory personnel must notify the Appointing Authority and Human Resources Director as soon as practical.

B. Non-Intervention in Incidents of Workplace Violence

Generally, employees should not intervene in incidents of workplace violence unless doing so clearly would not further jeopardize the safety of themselves, another employee or visitor of OLG/DCRT.

C. Training

All new employees shall be trained on this policy. Thereafter, all employees are required to attend an annual mandatory safety meeting/training on workplace violence.

IX. VIOLATIONS

Any employee found to have violated this policy will be appropriately disciplined in accordance with the Civil Service Rules and/or agency policy, including the possibility of termination from employment.

X. QUESTIONS

All questions or concerns regarding the substance, implementation or enforcement of this policy should be addressed to the Human Resources Director.

Summary of Changes: Revised policy number (December 1, 2011); Combined and streamlined Philosophy and Policy sections into one Policy section, expanded definitions of credible threat of violence and act of violence, added Complaint Procedure, Investigation of Complaint, Complaint Resolution, and Non-Retaliation sections, streamlined and renamed Roles and Responsibilities section to Additional Provisions section; eliminated Contact Information list and Violence Incident Report (July 24, 2015).