

Appendix O

Retirement Systems Zero Tolerance of Workplace Violence Policy and Plan

INTRODUCTION:

The Minnesota Legislature adopted the following act in 1992. (M.S. 1.5)

Freedom from Violence

The State of Minnesota hereby adopts a policy of zero tolerance of violence. It is state policy that every person in the state has a right to live free from violence.

In furtherance, of this policy, M. S. 15.86 mandates that each agency of state government adopt a goal of zero tolerance of violence in, and around, the workplace.

Each Agency is also encouraged to develop a plan that describes how each agency will:

- seek to eliminate any potential for violence in and around the agency workplace; and
- seek to eliminate any potential for violence by affecting the attitudes and behavior of the people that the agency serves or regulates.

DEFINITION OF VIOLENCE:

In 1994, the Violence Prevention Advisory Task Force endorsed the following definition of violence as a reference for those working on violence prevention issues:

“Violence is the abusive or unjust exercise of power, intimidation, harassment and/or the threatened or actual use of force which results in or has a high likelihood of causing hurt, fear, injury, suffering or death.”

Workplace violence generally falls into three categories:

1. A violent act or threat (perceived or real) by a current or former employee, supervisor or manager, or someone who has some involvement with a current or former employee, such as an employee’s spouse, significant other, relative or another person who has had a dispute with an employee.
2. A violent act or threat (perceived or real) by someone receiving service from the agency.
3. A violent act by someone totally unrelated to the work environment. The purpose of the visit is to commit a criminal act such as robbery or bombing.

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The Retirement Systems recognize that violent acts are frequently the end result of longstanding disputes or unresolved arguments that can begin with a disrespectful comment or action that escalated to more serious levels of violence. A continuum of violence often begins with such acts as name-calling or other negative comments which progress to pushing, shoving or shouting that can continue into shootings or other physical assaults.

The Retirement Systems recognize that to foster a workplace where violence is less likely to occur, it is important to look at the complete workplace climate or environment rather than just how to respond to incidents or violence in the workplace, and cognizance of outside factors that impact the safety of the workplace environment, such as the spillover effects of family violence into the workplace, is important.

GOAL

It is the goal of the Retirement Systems to achieve a work environment that is free from threats and acts of violence. *The Retirement Systems will not tolerate workplace violence of any type, from any source.* This includes threatening or violent actions by employees directed against other employees, by employees directed against department stakeholders or other workplace visitors, and by department stakeholders or visitors directed against department employees.

POLICY

It is the policy of the Retirement Systems and the responsibility of managers, supervisors and all employees to maintain a workplace free from threats and acts of violence. The Retirement Systems will work to provide a safe workplace for employees and visitors. Each employee, and everyone, with whom we come into contact in our work, deserves to be treated with courtesy and respect. This will be accomplished by encouraging mutual respect among all individuals, establishing open and honest communication, and enforcing “zero tolerance” for any type of violent behavior. Through information and training, the Retirement Systems will work to foster a work environment and culture that is devoid of violence for its stakeholders and employees.

The policy on work-related violence includes:

- Measures will be taken to ensure that all employees understand a clearly stated definition of workplace violence.
- The Retirement Systems will actively work to prevent and eliminate acts of work-related violence.
- The Retirement Systems will clarify and enforce expectations regarding behaviors for employees, members and guests.
- The Retirement Systems hereby adopts, and will work to enforce, a policy of prohibiting possession of firearms and other dangerous weapons in the workplace. See Appendix A.
- The Retirement Systems will respond promptly, positively, and aggressively to deal with threats or acts of violence. This response will include timely involvement of law enforcement agencies, when appropriate.

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- The Retirement Systems will make every reasonable effort to reduce the negative consequences for those employees who experience or encounter violence in the workplace and/or their personal lives as it affects the work environment and/or performance.
- Incidents of work-related threats or acts of violence will be treated seriously by the agency. Reports of all such acts will be promptly investigated, and management will take action, as necessary, to appropriately address each incident.
- All threats or acts of violence are to be reported – even if there are no injuries or fatalities. Employees who experience or witness an incident of workplace violence will report it immediately to their supervisor, manager or the Human Resources Director and complete the appropriate reports. The Retirement Systems will respond immediately to the report by contacting the proper authorities and investigating the incident.
- The Retirement Systems will take strong disciplinary action, up to and including discharge from State employment, against employees of the agency who are involved in committing work-related threats or acts of violence.
- The Retirement Systems will support criminal prosecution of those who threaten or commit work-related violence against its employees or visitors to its work environment.
- The Retirement Systems will provide information and training for staff to foster a 1) safe work environment, 2) respectful work environment, and 3) an environment that is proactive and able to be responsive to threats (perceived or real) in the workplace.
- The Retirement Systems will use resources including employee counseling/assistance, private health services, literature, brochures and other media to help employees understand, deal with, prevent and eliminate workplace violence.
- Pursuant to M.S. 15.86, this policy does not create any civil liability on the part of the State of Minnesota.

PREVENTION

The Retirement Systems will take steps to prevent violence in the workplace by clearly defining expectations of behaviors and interactions for employees, stakeholders and visitors in the workplace environment.

The Retirement Systems will expect the employees, stakeholders and visitors to behave and interact in a non-threatening way by adhering to the following.

- Employees and members of the public shall be treated with respect and dignity at all times.
- Employees are encouraged to present a calm attitude and demeanor towards others.
- Behaviors such as shouting, name-calling, swearing or other obscene language, throwing things, pushing, making threats, stalking, hitting, “making fun” of other people, slapping, grabbing, pinching, inappropriate touching, bullying, intimidation, harassment, unjust exercise of power, hazing, obscene gestures, negative racial or sexual comments, rape, assault, acts of “hate”, fighting, “heated” arguments, or carrying weapons, etc. are not appropriate in the workplace and will not be tolerated by employees or members of the public.
- The Retirement Systems will encourage the use empathetic listening skills.

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- Employees will promote an attitude of friendliness and helpfulness towards co-workers and members of the public.
- The Retirement Systems will promote a workplace that takes pride in customer service and customer satisfaction.
- The Retirement Systems will promote open and honest communication in the workplace.
- The Retirement Systems will discipline fairly and consistently.
- The Retirement Systems will work towards motivating and demonstrating teamwork, cooperation and conflict management skills including de-escalation skills training.
- The Human Resources Director will post the Workplace Violence Prevention Policy in public areas and distribute to all employees.
- The Retirement Systems will work towards creating a caring and supportive work environment by assisting employees in positively resolving problems, losses and/or other stresses that arise in their lives.
- The Retirement Systems will provide information to employees about family violence issues (child abuse and domestic abuse) and other workplace violence risks. They will try to increase awareness about general issues of violence and prepare workers to identify risks and take action to reduce risks.
- The Safety and Wellness Committee will promote safety in the workplace environment by:
 - Addressing security concerns of the facility (i.e. control access to the building, lock doors that are not supervised or monitored, install and regularly inspect alarms, limit distribution of keys and access)
 - Providing training to employees on how to respond to potential violence risks (bomb threats, hostile relatives, intruders, warning signs or indicators of potential violence), and
 - Providing training in personal security awareness.
 - Training supervisors and managers to recognize signs of a troubled employee (i.e. alcohol or drug abuse, absenteeism, depression, threatening behavior, or preoccupation with violence, etc.)
 - Holding employees accountable should they commit acts of violence in the workplace.

RESPONSE

The Retirement Systems has appointed an Incident Response Coordinator (IRC), this will be the Human Resources Director.

The **Incident Response Coordinator** will be responsible for responding to incidents of workplace violence including the following:

- Responding to any reports of workplace violence. (Definition: Responding – taking the appropriate immediate action upon knowledge of any act of violence.)
- Investigating workplace violence incidents, and
- Filing/tracking workplace violence reports and information.

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The IRC will also work with the Safety and Wellness Committee to:

- Review reports of workplace violence for possible safety issues.
- Provide all employees with information about workplace violence, and
- Provide assistance with workplace violence training as needed.

Retirement Systems has identified the following group of employees who will make up an Intervention Team who will be responsible for mediation of employee conflicts.

- Incident Response Coordinator
- Immediate Supervisor of the employee/s involved
- Division Manager
- Executive Director, when appropriate.

CRITICAL INCIDENTS STRESS DEBRIEFING

Critical incidents are defined as:

- Any incident involving an employee which results in death, great bodily harm, or substantial bodily harm to an employee or a member of the public.
- Any incident in which deadly force, as defined in M.S. 609.066, Subd.1, is used by an employee or against an employee. Examples include; use of weapons, physical assault, bombs, etc.
- Any incident deemed serious enough by the circumstances to warrant investigation and review. Examples include; hostage situations, pursuits, sudden death or serious injury to a child, a difficult rescue effort, a victim with overwhelming traumatic injuries, natural disasters or mass casualty incidents, threats of violence to an employee or group of employees, suicides, death or injury of a person known by employees, extremely hostile encounters and several difficult incidents within a short period of time.

All critical incidents are to be reported immediately to the respective supervisor, manager and Executive Director. The supervisor shall prepare a complete written report of the incident.

Responses to a critical incident can include the following as appropriate:

- Provide paid administrative leave time if deemed appropriate
- Encourage professional counseling (psychologist, psychiatrist, member of the clergy, or organized peer counseling group)
- Referral to the Employee Assistance Program (EAP)
- Relocating employees on a temporary basis if a facility is inhabitable, and
- Reassigning employees to different work areas.

PLAN FOR IMPLEMENTING ZERO TOLERANCE OF VIOLENCE

1. *The Retirement Systems Will Provide a Safe Workplace:* Retirement Systems is committed to ensuring that the workplace provides for the safety of employees, stakeholders and guests, and for reasonable protection from workplace violence.

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2. The Retirement Systems Will Attempt to Limit Violence from External Sources by Positively Affecting the Attitudes and the Behavior of its Customers: The Retirement Systems will continue to place emphasis on good customer service in a way that is fair, efficient, reliable and understandable. In doing so, and by treating stakeholders with respect and dignity, the potential for workplace violence from external sources will be greatly reduced.

3. Prevention: The Retirement Systems Will Attempt to Reduce the Potential for Internal Workplace Violence by Positively Affecting the Attitudes and the Behavior of its Employees:

- *Behaviors and Interactions:* Clear expectations of behaviors and interactions for employees, stakeholders and guests in the workplace are established by virtue of this policy. This will include a zero tolerance for behaviors such as name-calling; obscene language or gestures; throwing things; pushing; stalking; bullying; hazing; unjust exercise of power; negative racial or sexual comments; violent acts of hate such as assault or striking others; inappropriate touching; carrying weapons, except firearms carried by non-staff members as permitted by law; make “fun” or showing disrespect for others within the office or at functions outside the department or using inappropriate or offensive references for stakeholders and staff.
- *Creating a low-risk work environment:* Agency managers and supervisors are expected to promote positive behavior and to lead by example by treating employees with respect and dignity. Emphasis will be placed on creating a workplace where the established standards of conduct are clear, communicated, and consistently enforced, and where discipline is used fairly and appropriately to deal with instances of unacceptable behavior.
- *All Staff Training:* Appropriate to their position, all agency staff will be provided with training. Management training will focus on prevention and de-escalation of violence, will include suggestions for appropriate responses to threats and acts of violence, and will identify resources that are available for use once a potential problem has been identified or an incident has occurred. Other training and information that fosters a positive workplace environment, such as enhanced communication or stress management, etc. will be made available.
- *Employee Counseling and Assistance:* The Retirement Systems will encourage use of the Employee Assistance Program (EAP). The EAP is primarily an assessment, short-term counseling and referral agency. While supervisors, union representatives, or family members may encourage employees to seek help from the EAP, the decision to use its services must be a voluntary one. Employees may also choose to seek assistance from private health services to deal with pressures, stress, emotional problems, or other personal issues which could, if ignored, lead to threats or acts of violence.
- *Safety Promotion:* Information and instruction will be provided or posted for agency employees and stakeholders regarding appropriate responses to potential safety threats. For example: evacuation routes will be posted. The safety committee members will be assigned workplace areas to ensure the safe evacuation of all staff and visitors. A reception area policy will be strictly enforced to enhance security generally. An “after hours” policy will be disseminated to all appropriate staff detailing essential security and safety measures.

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- Self-help: Informational brochures and other methods will be used to make employees familiar with the services offered by the EAP, and will provide information on how to take advantage of those services. Information will also be provided about other options for the resolution of personal and work-related problems that have a potential for escalating to a violent incident. Employees will be encouraged to utilize available resources.
- *Valuing and Respecting Diversity*: It is the agency's policy and practice to value and respect individual differences among people. Harassment of any person in the workplace is strictly prohibited. Harassment can be any behavior that is unwelcome, personally offensive, insulting or demeaning, when:
 - submission to such conduct is explicitly or implicitly made a term or condition of an individual's employment:
 - submission to, or rejection of, such conduct is used as the basis for employment decisions affecting such an individual; or,
 - such conduct has the primary purpose or effect of unreasonably interfering with an employee's performance, or of creating an intimidating, hostile, or offensive working environment.

Harassment and discrimination are serious concerns. Incidents of this nature, if not corrected, may result in workplace violence. Management will continue to treat reports of harassment and discrimination seriously. Complaints of alleged harassment or discrimination will be promptly investigated and, as necessary, appropriate disciplinary action will be taken.

4. *The Agency Will Effectively Deal With Threats of Violence, and With Actual Incidents of Violence*

- *Supervisory Responsibilities*: Retirement Systems' managers and supervisors have primary responsibility for ensuring a safe work environment. Managers and supervisors are specifically empowered to take immediate action to resolve or stabilize violent situations in the workplace, and to protect people from harm. They will ensure that, when a threat is made or a violent incident occurs, an appropriate response is immediately taken. Supervisors and managers will also ensure that appropriate disciplinary responses to internal workplace violence and aggression are made. Supervisors and managers will carry out these responsibilities with the assistance of the Human Resources Director and, as appropriate, other state and local government agents.
- *Reporting Threats or Acts of Violence*: All incidents should be reported to the immediate management staff and the Human Resources Director. Reports should fully detail the specific incident and the names of all persons involved including witnesses. All incidents will be fully investigated by the appropriate staff with assistance from other state and local agents as appropriate. A full written report will be provided to the respective Executive Director including a follow-up on the response action taken.

Media inquiries regarding incidents of workplace violence will be handled by authorized management personnel.

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As warranted, local law enforcement agencies or emergency medical personnel should immediately be contacted by dialing 911.

5. *The Retirement Systems Will Work to Eliminate Dangerous Weapons from the Workplace*

Dangerous Weapons Prohibition

a. The possession of any dangerous weapon in the Retirement Systems' workplace, including firearms, by any person other than a law enforcement officer or a valid permit holder, is strictly prohibited.

b. Retirement Systems' personnel are prohibited from possessing any dangerous weapons, including firearms, while in work status. To further clarify "work status", this policy will be applied as meaning that Retirement Systems' employees are prohibited from carrying or possessing firearms while:

- In the Retirement Systems' Building or courtyard
- Using a state vehicle or leased vehicle in the performance of Retirement Systems' business
- Visiting in an official capacity at other state agencies
- Visiting state vendors or suppliers
- Participating in or facilitating training or conferences while on behalf of Retirement Systems at an off-site location.

c. Under the Minnesota Citizen's Personal Protection Act of 2003, employees with a valid permit may carry and conceal firearms in parking areas such as the Retirement Systems' Building parking ramp. For purposes of the Act, the parking ramp begins and ends at the security doors on each of the three levels of the ramp into the building.

d. Employees who violate this policy will be subject to disciplinary procedures as outlined in their respective collective bargaining agreements.

See Appendix A for a list of dangerous weapons included in this prohibition.

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Appendix A

DANGEROUS WEAPONS

For purposes of the Plan and Policy, the following items are considered to be “dangerous weapons”:

- Any weapon which, per applicable law, is illegal to possess
- Any firearm, loaded or unloaded, assembled or disassembled, including pellet, “BB”, and stun guns (electronic incapacitation devices)
- Replicate firearms, as defined in Minn. Stat. 609.713
- Knives (and other similar instruments) with a blade length of more than three inches, other than those present in the workplace for the specific purpose of food preparation and service
- Any “switchblade” knife
- “Brass knuckles,” “metal knuckles,” and similar weapons
- Bows, crossbows and arrows
- Explosives and explosive devices, including fireworks and incendiary devices
- “Throwing stars,” “numchucks,” clubs, saps, and any other items commonly used as, or primarily intended for use as, a weapon
- Any object that has been modified to serve as, or has been employed as, a dangerous weapon
- Any other item so designated by the respective Executive Director.