



DEPARTMENT OF ENVIRONMENTAL QUALITY
POLICY AND PROCEDURES

SUBJECT: WORKPLACE SAFETY POLICY

Number: 07-007

Date: October 8, 2003

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ISSUE:

The Department of Environmental Quality (DEQ) is committed to promoting and maintaining a safe work environment that is free from acts or threats of violence.

POLICY:

This policy and procedure applies to all DEQ employees and all state workplaces.

Any act or threat of violence that is work-related or that occurs in a state workplace is strictly prohibited. Employees shall treat other employees and members of the general public with dignity and respect, and they have a right to treatment in like manner.

Employees, who engage in any of the following conduct while on duty are subject to discipline up to and including dismissal:

- (a) Acts or threats of violence, or causing or urging others to commit or threaten violence;
- (b) Carrying or possessing a firearm or explosive at a state workplace or during actual-duty time when NOT authorized or required by departmental work rules or as part of the employee's official duties*; or,
- (c) Sabotage or malicious destruction of, or damage to state property, resources, work products, electronic files, or the property of another employee or the general public.

**Exception: employees MAY carry or possess a firearm inside a personal vehicle as long as it is done in a manner that does not conflict with local ordinances, state or federal law, or is otherwise prohibited by Civil Service or departmental policies, procedures, regulations, or rules (e.g. firearm is completely unloaded and enclosed in a case or carried in the trunk of the vehicle).*

Employees, in accordance with the following procedures, are obligated to report any acts or threats of violence, or the unauthorized carrying or possession of a firearm or explosive on DEQ property or at a state workplace, during actual-duty time (e.g. official state business) or while engaged in work-related activities.

When possible, the identity of an employee filing a report of threatened or actual violence will be protected while the report is being investigated. However, if the accused employee is subsequently disciplined or prosecuted, the Department

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may be required to disclose the reporting employee's name in order to comply with the law or other due process requirements.

If the Department receives a report alleging a violation of this policy, the Department or other appropriate authority, may search any cabinetry, closets, computers, data storage equipment, desks, lockers, storage areas, state vehicles, or other areas on state property as part of the Department's effort to investigate the report.

Any employee in receipt of a personal protective/restraining order that identifies a state workplace as a protected area MUST provide management with a copy of that order. Management shall immediately report any personal protective/restraining order to the Division/Office Chief. The Division/Office Chief will then discuss said order with Deputy Director, Personnel Director, and the Office of Criminal Investigations to determine a plan of action. Information relating to personal protective/restraining orders shall be communicated within the Department only on a need-to-know basis to ensure confidentiality.

The Office of Personnel Services (OPS) will maintain all records and reports.

DEFINITIONS:

Act of Violence means any intentional, reckless, or grossly negligent act that would reasonably be expected to cause property damage, physical injury, or the death of another person.

Actual-Duty Time means the time that an employee is scheduled to, or receives compensation, benefits, or benefit accruals for the performance of the employee's duties as a member of the classified civil service. Actual-duty time includes all work time and overtime. Actual-duty time does not include the time an employee is on approved leave (Annual Leave, Sick Leave, Leave of Absence, Medical Leave of Absence, Educational Leave, Military Leave, Parental Leave, Waived Rights Leave, etc.), even if the employee receives compensation, benefits, or benefit accruals for the time.

Explosive means any bomb, grenade, missile, or other dangerous device designed to expand suddenly and release internal energy resulting in an explosion.

Firearm means a weapon from which a dangerous projectile may be expelled by an explosive, gas, or air.

Management means supervisor, manager, Division/Office Chief or other designated person of authority.

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State Workplace means an office or building owned or leased by the state in which classified employees are assigned or work. State workplace includes any state-owned or leased common grounds or parking areas used by classified employees assigned to or working in the office or building.

Threat of Violence means any intentional communication or other act that would cause a reasonable person to feel terrorized, or fear physical injury or death to oneself or another person.

GENERAL PROCEDURES:

Any employee, on DEQ property or at a state workplace, who, during actual-duty time (e.g. official state business) or while engaged in work-related activities, is subjected to, is made aware, witnesses another employee or member of the general public being subjected to acts or threats of violence shall:

- Take immediate measures to provide for the safety of the employee(s) and member(s) of the general public;
Telephone appropriate law enforcement personnel if it is determined that emergency help is required. Refer to the facility's emergency procedures (i.e. yellow emergency information card or the emergency monitor network/evacuation plan) for additional information.
Promptly report the incident to the employee's immediate supervisor. If the employee's immediate supervisor is potentially involved in the alleged act, then the reporting employee shall report the incident to his/her supervisor's supervisor; and,
Cooperate with the investigation as determined appropriate by management and/or law enforcement personnel.

MANAGEMENT RESPONSIBILITIES:

Any member of management who has knowledge of a violation of this policy shall promptly report the incident to the employee's immediate supervisor. If the employee's immediate supervisor is potentially involved in the alleged act, then management shall report the incident to his/her supervisor's supervisor. The immediate supervisor shall promptly take appropriate response action, including:

- Evaluate the situation; Arrange for immediate safety of employees and the public when necessary;
Separate the participants, if it is safe to do so, otherwise wait for appropriate law enforcement personnel;
- Telephone appropriate law enforcement personnel if it is determined that emergency help is required. Refer to the facility's emergency procedures

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(i.e. yellow emergency information card or the emergency monitor network/evacuation plan) for additional information.

- Determine and implement a plan of action;
- Report the incident to the Division/Office Chief, who will notify the Director through the chain of command;
- Report the incident to OPS at (517) 335-1100;
- Investigate the incident;
- Discuss any potential disciplinary action with the Personnel Director or designee;
- Ensure appropriate disciplinary action is taken, when applicable;
- Ensure that all involved employees provide required information to appropriate law enforcement personnel;
- Ensure that the reporting employee completes and submits the "Incidence of Violence Report" to OPS for review; and,
Ensure that the requirements of DEQ Policy 3.14 (Accident, Injury or Illness Reporting) are followed if an injury to an employee results from the incident.

Approved: _____



Date: _____

10-7-03