Michigan Civil Service Commission

Regulation 2.05

Subject: Workplace Safety		
SPDOC No.: 16-06	**Effective Date:** January 1, 2017	**Replaces:** Reg. 2.05 (SPDOC 07-14, October 7, 2007)

1. Purpose

This regulation provides direction on workplace safety and reporting violations involving acts or threats of violence or possessing or carrying firearms or explosives.

2. CSC Rule References

2-20 Workplace Safety: Violence, Firearms, and Explosives

2-20.1 Acts of Violence and Threats of Violence

(a) Prohibited Acts. *An employee shall not commit an act of violence or a threat of violence.*

(b) Requirement to Report. *If an employee becomes aware of an act of violence or a threat of violence, the employee shall immediately report the act or threat to the appointing authority or the appointing authority's designee.*

(c) Action by Appointing Authority. *An appointing authority or designee who receives a credible report of an act of violence or a threat of violence shall take reasonable actions to protect employees.*

2-20.2 Firearms and Explosives

(a) Carrying and Possession Prohibited; Exceptions. *An employee shall not carry or possess a firearm or explosive at a state workplace or during actual-duty time, except as authorized below:*

(1) Firearm. *An employee may carry or possess a firearm at a state workplace or during actual-duty time only under one of the following circumstances:*

(A) *The employee is (1) employed in a law enforcement, correctional, investigative, security, or military capacity and (2) permitted or required by agency work rules to carry or possess a firearm at a state workplace or during actual-duty time.*

(B) *The appointing authority has specifically authorized the employee in writing to carry or possess a firearm at a state workplace or during actual-duty time.*

(C) *Except when prohibited by law or an agency work rule, the employee carries or possesses a firearm inside a personal vehicle while the firearm is completely unloaded and enclosed in a case in the vehicle or carried in the trunk of the vehicle.*

(2) ***Explosives.*** *An employee may carry or possess an explosive at a state workplace or during actual-duty time if the employee is authorized by the appointing authority to carry or possess the explosive as part of the employee's official duties.*

(3) ***Requirements****. An employee authorized to carry or possess a firearm or explosive under subsection (a)(1) or (a)(2) must carry or possess the firearm or explosive in a reasonable manner and in compliance with (1) all applicable laws, including the civil service rules and regulations, (2) all agency work rules, and (3) any instructions or limitations imposed by the appointing authority.*

(b) ***Requirement to Report Violations.*** *An employee who becomes aware that any person possesses or is carrying a firearm or explosive in violation of this rule shall immediately report the matter to the appointing authority or the appointing authority's designee.*

(c) ***Action by Appointing Authority.*** *An appointing authority or designee who receives a credible report of a violation of this rule shall take reasonable actions to protect the safety of employees.*

2-20.3 Effect of Other Laws

This rule regulates the ability of employees to carry or possess firearms and explosives (1) at any state workplace at any time and (2) in any place during actual-duty time. Except as specifically authorized in this rule, a constitutional or statutory provision that otherwise permits a person to carry or possess a firearm or an explosive does not authorize an employee to carry or possess a firearm or explosive during actual-duty time or at a state workplace.

2-20.4 Penalty

If an employee violates this rule, an appointing authority may discipline the employee, up to and including dismissal.

2-20.5 Agency Work Rules

An appointing authority may issue agency work rules related to firearms, explosives, and workplace safety that are not inconsistent with this rule.

3. Definitions

A. CSC Rule Definitions.

1. ***Act of violence*** *means any intentional, reckless, or grossly negligent act that would reasonably be expected to cause physical injury or death to another person.*

2. ***Actual-duty time*** *means the time that an employee is scheduled to receive compensation, benefits, or benefit accruals for the performance of the employee's public duties as a member of the classified civil service. Actual-duty time includes all scheduled work time and overtime. Actual-duty time does not include the time an employee is on approved leave from the employee's public duties as a member of the classified civil service, even if the employee receives compensation, benefits, or benefit accruals for the time.*

3. ***Explosive*** *means any bomb, grenade, missile, or other dangerous device designed to expand suddenly and release internal energy resulting in an explosion.*
4. ***Firearm*** *means a weapon from which a dangerous projectile may be expelled by an explosive, gas, or air.*
5. ***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.*
6. ***Threat of violence*** *means any intentional communication or other act that threatens an act of violence and would cause a reasonable person to feel terrorized, threatened, or fear physical injury or death to oneself or another person.*

4. Standards

A. Agency Work Rules. An appointing authority may promulgate work rules not inconsistent with rule 2-20.

B. Imminent Risk. An employee who observes or learns of an imminent risk of serious physical injury or death due to (1) an act of violence or a threat of violence or (2) the carrying or possession of a firearm or explosive at a state workplace or during actual-duty time shall immediately take the following actions:

1. Take measures to ensure his or her personal safety.
2. Report the matter to law enforcement.
3. Notify the immediate supervisor, manager, or appointing authority of the incident as soon as possible.

C. Reporting Obligation.

1. **What to Report.**
   a. **All Employees.** An employee is obligated to report to management or to the appointing authority any of the following circumstances:
      (1) If the employee is subjected to acts or threats of violence.
      (2) If the employee witnesses acts or threats of violence.
      (3) If the employee becomes aware of acts or threats of violence.
      (4) If the employee observes or is made aware that an employee possesses or is carrying a firearm or explosive at a state workplace or during actual-duty time, unless the reporting employee knows that the appointing authority has authorized the employee to carry the firearm or explosive.

(5) If the employee receives a protective or restraining order that lists a state workplace as a protected area, the employee must provide a copy of the order to the appointing authority responsible for the state workplace.

b. **Supervisors and managers.** A supervisor or manager who observes or learns of (1) an act of violence or a threat of violence by or to a subordinate employee or (2) the carrying or possession of a firearm or explosive at a state workplace or during actual-duty time by a subordinate employee, shall take prompt and appropriate remedial action and shall report the observation or information to the appointing authority.

2. **To Whom to Report**. An employee who is obligated to report under this regulation shall report the incident to any available supervisor or the appointing authority.

3. **When to Report**. An employee who is obligated to make a report must make the required report immediately upon learning of or observing the reportable incident or as soon thereafter as it is reasonably possible to make the report.

4. **Confidentiality**. To protect the interests of all involved, the appointing authority shall maintain confidentiality to the extent practicable and appropriate under the circumstances.

D. Action to Stop Violations.

1. **Acts or Threats of Violence**. If an act or threat of violence is alleged to be continuing or the target of the act or threat needs protection, the appointing authority shall take appropriate immediate action it deems reasonably necessary to stop the alleged acts or threats of violence. Possible actions include, but are not limited to, (1) notice to law enforcement, (2) change of location of the work station of the alleged violator or person affected, (3) "no contact" orders to both parties, (4) temporary reassignment of the alleged violator or the person affected, and (5) suspension of the alleged violator with or without pay to conduct an investigation, as authorized in rule 2-6.4.

2. **Possession of Firearms or Explosives.** If an appointing authority learns that an employee is carrying or in possession of a firearm or explosive at a state workplace or during actual-duty time in violation of rule 2-20, this regulation, or an agency work rule, the appointing authority may notify law enforcement or take other appropriate action.

E. Discipline. The appointing authority may discipline an employee for (1) engaging in an act or threat of violence or (2) carrying or possessing a firearm or explosives at a state workplace or while on actual-duty time in violation of rule 2-20, this regulation, or an agency work rule.

F. Education and Training. Each appointing authority is encouraged to provide to all current and newly appointed employees information regarding an employee's duties

and responsibilities under rule 2-20, this regulation, and any applicable agency work rules.

5. Procedures

Responsibility	Action
Employee who observes or learns of (1) an act or a threat of violence or (2) carrying or possession of a firearm or explosives.	1. Imminent Risk of Danger. a. Immediately takes appropriate measures to ensure his or her personal safety. b. Contacts law enforcement official to report incident, if appropriate. c. Notifies immediate supervisor, manager, or appointing authority of incident. 2. No Imminent Risk of Danger. Notifies immediate supervisor, manager, appointing authority of incident.
Supervisor or Manager	3. Conducts any necessary interviews or investigations to obtain specific facts regarding the reported incident. 4. Forwards a report to the appointing authority.
Appointing Authority	5. Reviews information to substantiate or dismiss reported incident. 6. Takes appropriate remedial or disciplinary action. 7. Consults with law enforcement or other appropriate agencies.

CONTACT

Questions on this regulation may be directed to the Office of the General Counsel, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone at 517-373-3024; or to MCSC-OGC@mi.gov.