


Executive Directive



Title: Workplace Violence	Executive Directive Number: ADM.050.0038 REVISED
Related MD Statute/Regulations: Correctional Services Article, §2-103, Annotated Code of Maryland	Supersedes: Executive Directive ADM.050.0038 Dated September 3, 2014
Related ACA Standards: 2-CO-1C-04 & 11; 2-CO-1D-02 & 07	Responsible Authority:  Executive Director, Human Resources Services Division
Related MCCS Standards: N/A	Effective Date: August 21, 2015 Number of Pages: 8



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.01 Purpose.

- A. This directive continues Department of Public Safety and Correctional Services policy and minimum guidelines intent on establishing a standard of conduct that minimizes the opportunity for an occurrence of workplace violence.
- B. This directive provides Department employees with information regarding managing actual and potentially violent situations.
- C. This directive intends to increase employee and management awareness of the potential for violence in the workplace by recognizing signs of potentially violent situations and understanding how to respond to actual or potential incidents of workplace violence.

.02 Scope.

This directive applies to all units of the Department.

.03 Policy.

- A. The Department has a zero-tolerance policy toward workplace violence in order to promote a safe environment for employees, clients, visitors, contractors, and others who may come in contact with Departmental personnel.
- B. The Department shall work with employees to maintain a work environment that is free from violence, harassment, intimidation, and other disruptive behavior.
- C. The Department considers violence or threats of violence, in any form to be unacceptable behavior.
- D. Department employees on Department property or while representing the Department elsewhere are required to perform professionally consistent with good business practices and in absolute conformity with the zero-tolerance policy toward workplace violence; thereby interacting with other employees,

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clients, visitors, contractors, or individuals under Department care, custody or supervision, with dignity and respect.

- E. The Department is committed to providing employees a work environment free of actions and words that endanger or harm another employee; or result in an employee having a reasonable belief that danger exists, thereby fostering a climate of trust and respect among employees, management, and individuals visiting the workplace.
- F. The Department does not tolerate workplace violence or retaliation against an employee because the employee filed a complaint of workplace violence or retaliation, participated in a workplace violence or retaliation investigation or proceeding, or otherwise opposed workplace violence or retaliation.
- G. The Department shall ensure that each complaint of alleged workplace violence or retaliation is thoroughly investigated and promptly resolved.
- H. The Department shall take appropriate disciplinary action, up to and including, termination and, if warranted, criminal prosecution against an employee, after due process determined that the employee engaged in; or does not comply with established federal and State laws and regulations and policy or procedure concerning preventing, responding to, reporting, investigating, following up on, or resolving workplace violence or retaliation.

.04 Definitions.

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Employee":

(a) Means an individual assigned to or employed by the Department in a full-time, part-time, temporary, or contractual position.

(b) Includes:

(i) An employee regardless of classification, such as a supervisor or manager;

(ii) A volunteer; and

(iii) An intern.

(2) "Functional area expert" means an individual considered an authority or subject matter expert in a specific area related to workplace violence or retaliation, such as a crisis counselor, crime prevention expert, or active shooter trainer.

(3) "Intimate partner":

(a) Means a person with whom one has a close personal relationship that can be characterized by the following:

(i) Emotional connectedness;

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- (ii) Regular contact;
 - (iii) Ongoing physical contact and sexual behavior;
 - (iv) Identity as a couple; or
 - (v) Familiarity and knowledge about each other's lives.
- (b) Relationship need not involve all of elements under §.04B(3)(a) of this directive and may involve a current or former:
- (i) Spouse;
 - (ii) Boyfriend or girlfriend; or
 - (iii) Dating partners, or sexual partners.
- (4) "Intimate partner violence":
- (a) Means physical violence, sexual violence, stalking and psychological aggression (including coercive acts) by a current or former intimate partner.
 - (b) May occur between heterosexual or same-sex couples and does not require sexual intimacy.
- (5) "Weapon":
- (a) Means a gun, knife, club, explosive, or other article carried on Department property that can be used to kill or inflict bodily harm that was originally manufactured as a weapon or other item modified to be a weapon.
 - (b) Includes but is not limited to:
 - (i) Firearm;
 - (ii) Knife (defined as a weapon under Criminal Law Article, §4-101, Annotated Code of Maryland;
 - (iii) Stiletto;
 - (iii) Police baton or a nightstick;
 - (iv) Martial arts items;
 - (v) Electronic defense items, for example stun gun, taser); and
 - (vi) Dangerous instrument.

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- (6) “Workplace”:
 - (a) Means a Department owned or leased facility used by an employee to perform work-related duties and responsibilities; and
 - (b) Includes other locations where the employee performs official Department duties and responsibilities.
- (7) “Workplace violence”:
 - (a) Means actions or words that endanger or harm an employee or result in an employee having a reasonable belief that the danger of being harmed exists.
 - (b) Includes, but is not limited to:
 - (i) Verbal or physical harassment;
 - (ii) Verbal or physical threats;
 - (iii) Assault or other violent behavior; and
 - (iv) Other behavior that creates unhealthy anxiety, fear, or a climate of distrust in the workplace, such as domestic violence, stalking, threats, harassment, bullying, emotional abuse, and intimidation.

.05 Responsibility/Procedures.

A. An employee is responsible for:

- (1) The employee’s personal behavior when interacting with other employees, clients, visitors, contractors, or individuals under Department care, custody or supervision;
- (2) Being familiar with Department policy regarding workplace violence;
- (3) Immediately reporting actual or potential acts of violence to appropriate authorities, for example a 9-1-1 operator, law enforcement agency, or building security;
- (4) Reporting, as soon as possible, an incident of retaliation related workplace violence according to the following applicable requirements established for reporting an incident of alleged misconduct according to the Department’s Standards of Conduct;
- (5) Cooperating fully with investigations or assessments of allegations of workplace violence or retaliation;
- (6) Being familiar with services provided by the Employee Assistance Program; and
- (7) Informing the Human Resources Services Division (HRSD) of the following situations, so that appropriate assistance can be offered at the work site:

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- (a) Existence of a protective or restraining order that the employee obtained that lists the workplace as a protected area; or
- (b) Safety concerns with regard to intimate partner violence.

B. In addition to requirements under §.05A of this directive, each supervisor and manager is responsible for:

- (1) Informing subordinate employees of the Department's workplace violence policy and program;
- (2) Initiating reasonable action to eliminate circumstances that may result in incidents of workplace violence or retaliation;
- (3) Being cognizant of situations that have potential to result in violent behavior and promptly addressing identified conditions with all concerned parties in order, to the degree possible, eliminate the potential for violence or retaliation;
- (4) Taking all reported incidents of workplace violence and retaliation seriously;
- (5) If an incident of workplace violence or retaliation is occurring:
 - (a) Taking immediate steps to stop the occurrence; and
 - (b) Initiating action to provide for the immediate safety and, if necessary, medical needs of the individual involved in the incident;
- (6) Taking appropriate action based on the investigation of an incident of workplace violence or retaliation;
- (7) Providing feedback to employees regarding the outcome of the employee's involvement with reporting, investigating, and resolving an incident of workplace violence or retaliation;
- (8) Requesting, when appropriate, assistance from a functional area expert;
- (9) Ensuring appropriate action is initiated to address the psychological needs of the employee involved in the incident of workplace violence or retaliation, as soon as possible after the incident occurred or when first aware of the incident;
- (10) Ensuring that an incident of workplace violence or retaliation is immediately reported to the Department's Internal Investigative Division (IID) as required under OSIIFA.010.0017 for reporting misconduct;
- (11) Encouraging an employee demonstrating signs of stress or evidence of possible domestic violence to seek assistance, such as the Employee Assistance Program; and
- (12) Ensuring, when needed, that an employee has an opportunity to attend, on work time, authorized training, such as conflict resolution and stress management resulting from an incident of workplace violence or retaliation.

C. Workplace Violence Reporting Requirements.

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- (1) The Department may not take administrative action against an employee who makes a good-faith report under provisions of this directive.
- (2) The identity of the individual making a report under this directive shall be, to the degree possible, kept in confidence.
- (3) The Department shall support victims of intimate partner violence by providing referrals to the Employee Assistance Program and community resources.
- (4) An employee shall notify a supervisor or manager of:
 - (a) A threat which the employee witnessed, received, or has been informed that another individual witnessed or received, including incidents related to intimate partner violence.
 - (b) Absent an actual threat, behavior witnessed by the employee which the employee reasonably believes to be threatening or violent, when that behavior is job related or might be carried out at a Department work site or is related to Department employment.
- (5) Employees shall report incidents described under §.05C(4) of this directive regardless of the relationship between the individual who initiated the threat or threatening behavior and the individual threatened or the focus of the threatening behavior.
- (6) If the employee's supervisor or manager is not available, the employee should report the threat to another member of the management team.

D. Workplace Violence Investigation.

- (1) The Director, IID, or a designee, shall ensure that each:
 - (a) Report of a threat of violence or incident of actual violence and of suspicious individuals or activities is thoroughly investigated.
 - (b) Completed workplace violence investigation is forwarded to the following:
 - (i) Executive Director, HRSD, or a designee;
 - (ii) Victim employee's appointing authority and, if different, the appointing authority responsible for the location where the workplace violence occurred;
 - (iii) The member of the Secretary's Executive Staff with oversight of the victim and, if different, the Secretary's Executive Staff member responsible for the location where the workplace violence occurred; and
 - (iv) The Secretary.
- (2) To maintain workplace safety and the integrity of a workplace violence investigation, an appointing authority may temporarily reassign, suspend, or remove from supervisory control an employee suspected of workplace violence or threats of violence pending completion of the related investigation.

E. The Department's Human Resource Services Division shall:

- (1) Assist with assessing and investigating reports of alleged workplace violence and threats of violence, as requested;
- (2) Provide technical expertise and consultation to assist a supervisor or manager to determine what course of administrative or criminal action is most appropriate in specific situations;
- (3) Follow up on each report to ensure that appropriate administrative and disciplinary actions are taken against an employee determined to have violated provisions of this directive;
- (4) To the degree possible, maintain confidentiality of records and individuals related to a report under this directive;
- (5) Providing advice and counsel regarding personnel rules and regulations;
- (6) In cooperation with the Department's Labor Management Committee, research and develop procedures intended to:
 - (a) Evaluate workplace vulnerability to violence; and
 - (b) Analyze information provided by Human Resource Services Division concerning incidents of and response to workplace violence for the purpose of identifying necessary changes to policy and procedures, training, and prevention plan requirements related to workplace violence or retaliation; and
- (7) In cooperation with Maryland Police and Correctional Training Commissions:
 - (a) Research and develop training necessary to inform current and newly hired employees of the Department's policy and procedures related to recognizing, preventing, responding to, reporting, investigating, and resolving workplace violence or retaliation;
 - (b) Develop and maintain a workplace violence prevention plan; and
 - (c) Offer training courses to assist employees to deal with situations which may lead to potential violence, for example, conflict resolution, stress management, and negotiation skills.

F. Office of the Assistant Attorney General assigned to the Department shall provide legal advice and support to supervisors, managers, and functional area experts in matters related to workplace violence.

G. Employee Possession or Use of a Weapon.

- (1) In accordance with provisions established under Secretary's Directive DPSCS.050.0047 — Carrying and Displaying Personally-Owned Firearms and exceptions for Department employees certified to carry and use a firearm or other weapon as part of the employee's assigned duties and responsibilities and an employee authorized by the Secretary to carry a weapon, an employee, is prohibited from possessing or using a weapon or dangerous instrument or any paraphernalia associated with a weapon, while on Department-owned or leased property, which includes, but is

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not limited to a parking lot, personal cars, Department-sponsored events taking place on non-Department property, and Department-owned motor vehicles.

- (2) Depending on the circumstances of the situation, the Department may report the unauthorized possession or use of a weapon or dangerous instrument by an employee or other individual on Department property to the local law enforcement agency with jurisdiction in the area of the incident.
- (3) The Secretary reserves the right to suspend or revoke the authority for an employee to possess or carry a firearm, including a personally-owned firearm on Department property.
- (4) A weapon or dangerous instrument found on Department-owned or leased property may be confiscated.
- (5) An employee has no reasonable expectation of privacy with respect to a weapon in the workplace and as such an employee's desk, workstation, office and files are subject to security searches.

H. An employee determined to be responsible for a threat of or actual violence or other conduct in violation of policy and procedure established under this directive and the Department's Standards of Conduct is subject to disciplinary action up to and including termination of employment.

.06 Attachment(s).

Workplace Violence Prevention and Response Guidelines

.07 History.

This directive replaces Executive Directive ADM.050.0038 dated September 3, 2014 and supersedes provisions of any other prior existing Department or unit communication with which it may be in conflict.

.08 Correctional Facilities Distribution Code.

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Workplace Violence Prevention and Response Guidelines

Preventing Workplace Violence

Preventing workplace violence is a shared responsibility. A major component of an effective workplace violence program is a strategy regarding prevention. Awareness and preventive measures shall be taken to deal with threatening, intimidating, and/or potentially violent behavior.

Being familiar with the Department's policy and program regarding workplace violence is an important step in preventing workplace violence. It is imperative that each employee, including each manager and supervisor, understands this policy and program.

Each manager and supervisor is expected to discuss this policy and program with assigned staff so that staff understand how to handle intimidating, threatening, or violent incidents, as well as understand the consequences of such behavior (such as disciplinary and/or adverse action up to and including termination and criminal charges).

(1) Work Environment

- (a) The best prevention strategy is to maintain an environment which minimizes negative feelings among employees. Although no workplace can be perceived as perfect by every employee, there are several steps that management can take to help create a professional, healthy, and caring work environment. These include, but are not necessarily limited to:
 - (i) Promoting sincere, open, and timely communication among managers, employees, and union representatives;
 - (ii) Offering opportunities for professional development;
 - (iii) Fostering a friendly work environment;
 - (iv) Maintaining mechanisms for complaints and concerns and allowing them to be expressed in a non-judgmental forum that includes timely feedback to the initiator;
 - (v) Promoting "quality of life" issues such as facilities and job satisfaction; and
 - (vi) Maintaining impartial and consistent discipline for employees who exhibit improper conduct and poor performance.

(2) Security

- (a) Maintaining a secure and physically safe workplace is part of any good strategy for preventing workplace violence. The Department uses a variety of security measures to help ensure workplace safety. The measures used depend on the resources available in the area. These may include:
 - (i) Requesting assistance from the local law enforcement agency or designated security personnel to respond to calls for assistance;
 - (ii) Employee photo identification badges and coded card keys for access to secure areas;
 - (iii) On-site security officer services;

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- (iv) Security officer force assistance in registering, badging, and directing visitors in larger facilities; and
- (v) Employing other appropriate security measures such as metal detectors, camera systems, alarm systems, lighting, and locks.
- (b) Additional law enforcement assistance is available through mutual aid agreements with local police departments for emergency situations.
- (c) Employees should notify the appropriate security office or designated police of suspicious or unauthorized individuals on Department property.

(3) Performance/Conduct Indicators

- (a) Being aware of performance and/or conduct problems which may be warning signs of potential trouble is good prevention strategy. The presence of any of these characteristics does not necessarily mean a violent act will occur, but they may be indicators of another type of problem such as being ill, depressed, bereaved, etc. Some examples of performance and/or conduct indicators are listed below (listing is not intended to be all inclusive):
 - (i) Attendance problems – excessive sick leave, excessive tardiness, leaving work early, improbable excuses for absences;
 - (ii) Adverse impact on supervisor's time – supervisor spends an inordinate amount of time coaching and/or counseling employee about personal problems, re-doing the employee's work, dealing with co-worker concerns, etc.;
 - (iii) Decreased productivity – making excessive mistakes, poor judgment, missed deadlines, wasting work time and materials;
 - (iv) Inconsistent work patterns – alternating periods of high and low productivity and quality of work, inappropriate reactions, overreaction to criticism, and mood swings;
 - (v) Concentration problems – easily distracted and often has trouble recalling instructions, project details, and deadline requirements;
 - (vi) Safety issues – more accident prone, disregard for personal safety as well as equipment and machinery safety, needless risks;
 - (vii) Poor health and hygiene – marked changes in personal grooming habits;
 - (viii) Unusual/changed behavior – inappropriate comments, threats, throwing objects;
 - (ix) Evidence of possible drug or alcohol use/abuse;
 - (x) Evidence of serious stress in the employee's personal life – crying, excessive phone calls, recent separation;
 - (xi) Continual excuses/blame – inability to accept responsibility for even the most inconsequential errors; and/or

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- (xi) Unshakable depression – low energy, little enthusiasm, despair.

Active Shooter Situations

An active shooter in your workplace may be a current or former employee, or an acquaintance of a current or former employee. Intuitive managers and coworkers may notice characteristics of potentially violent behavior in an employee. Alert your supervisor or the Human Resources Services Division if you believe an employee or coworker exhibits potentially violent behavior. How to respond to an active shooter in your vicinity:

- (1) Quickly determine the most reasonable way to protect your own life. Remember that customers and clients are likely to follow the lead of employees and managers during an active shooter situation.
 - (a) **Evacuate** - If there is an accessible escape path, attempt to evacuate the premises. Be sure to:
 - (i) Have an escape route and plan in mind;
 - (ii) Evacuate regardless of whether others agree to follow;
 - (iii) Leave your belongings behind;
 - (iv) Help others escape, if possible;
 - (v) Prevent individuals from entering an area where the active shooter may be;
 - (vi) Keep your hands visible;
 - (vii) Follow the instructions of police officers;
 - (viii) Do not attempt to move wounded individuals; and
 - (ix) Call 911 when you are safe.
 - (b) **Hide out** - If evacuation is not possible, find a place to hide where the active shooter is less likely to find you. Your hiding place should:
 - (i) Be out of the active shooter's view;
 - (ii) Provide protection if shots are fired in your direction (i.e., an office with a closed and locked door);
 - (iii) Not trap you or restrict your options for movement; and
 - (iv) Enable you to prevent an active shooter from entering your hiding place by locking or blockading the door with heavy furniture.

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(c) **Shooter Vicinity** - If the active shooter is *nearby*:

- (i) Lock the door;
- (ii) Silence your cell phone and/or pager;
- (iii) Turn off any source of noise (i.e., radios, televisions);
- (iv) Hide behind large items (i.e., cabinets, desks); and
- (v) Remain quiet.

(d) **If evacuation and hiding-out are *not* possible:**

- (i) Remain calm;
- (ii) Dial 911, if possible, to alert police to the active shooter's location; and
- (iii) If you cannot speak, leave the line open and allow the dispatcher to listen.

(e) **Take action against the active shooter, as a last resort, and only when your life is in imminent danger**, attempt to disrupt and/or incapacitate the active shooter by:

- (i) Acting as aggressively as possible against the shooter;
- (ii) Throwing items and improvising weapons;
- (iii) Yelling; and
- (iv) Committing to your action.

(2) Law Enforcement Arrival.

- (a) Law enforcement's purpose is to stop the active shooter as soon as possible. Officers will proceed directly to the area in which the last shots were heard.
- (b) The first officers to arrive to the scene will not stop to help injured persons. Expect rescue teams comprised of additional officers and emergency medical personnel to follow the initial officers. These rescue teams will treat and remove any injured persons. They may also call upon able-bodied individuals to assist in removing the wounded from the premises.
- (c) Some important facts to be aware of:
 - (i) Officers usually arrive in teams of four (4);
 - (ii) Officers may wear regular patrol uniforms or external bulletproof vests, Kevlar helmets, and other tactical equipment;
 - (iii) Officers may be armed with rifles, shotguns, handguns;

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- (iv) Officers may use pepper spray or tear gas to control the situation; and
 - (v) Officers may shout commands, and may push individuals to the ground for their safety.
- (3) How to react when law enforcement arrives:
- (a) Remain calm and follow officers' instructions;
 - (b) Put down any items in your hands (i.e., bags, jackets);
 - (c) Immediately raise hands and spread fingers;
 - (d) Keep hands visible at all times;
 - (e) Avoid making quick movements toward officers such as holding on to them for safety;
 - (f) Avoid pointing, screaming and/or yelling; and
 - (g) Do not stop to ask officers for help or direction when evacuating, just proceed in the direction from which officers are entering the premises.
- (4) Information to provide to law enforcement or 911 operator
- (a) Location of the active shooter;
 - (b) Number of shooters, if more than one;
 - (c) Physical description of shooter/s;
 - (d) Number and type of weapons held by the shooter/s; and
 - (e) Number of potential victims at the location.
- (5) Once you have reached a safe location or an assembly point, you will likely be held in that area by law enforcement until the situation is under control, and all witnesses have been identified and questioned. Do not leave until law enforcement authorities have instructed you to do so.