

SCDOT WORKPLACE VIOLENCE POLICY

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

SCOPE & PURPOSE: The South Carolina Department of Transportation (SCDOT), having both a legal and moral obligation, is committed to maintaining a safe, healthful and efficient working environment where employees, customers and visitors are free from the threat of workplace violence. SCDOT does not tolerate any type of workplace violence committed by or against employees, customers or visitors. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination from employment. Non-employees engaged in violent acts on SCDOT-owned or leased premises will be reported to the proper authorities and fully prosecuted.

DEFINITIONS:

- A. **Assault** - The intentional use of physical force causing physical injury, (impairment of physical condition or substantial pain) to another person, with or without a weapon/dangerous instrument.
- B. **Dangerous Instrument** - Any instrument, article or substance that, under the immediate circumstances, is capable of causing physical injury or death.
- C. **Harassment** - Intentionally striking, shoving, or kicking another person, subjecting another person to physical contact, or threatening to do the same (without physical injury). Also, using abusive or obscene language, following a person about a public place or engaging in a course of conduct, which alarms or seriously annoys another person.
- D. **Reckless Endangerment** - Subjecting individuals to danger by recklessly engaging in conduct, which creates substantial risk of serious physical injury.
- E. **Violent Act/Threat of Violence** - Any direct/indirect action or behavior that could be interpreted, in light of known facts, circumstances and information, by a reasonable person, as indicating potential to harm, endanger or to inflict pain/injury on any person or property.
- F. **Weapon**- Defined as any:
 - a. Firearm (including a BB gun, whether loaded or unloaded);
 - b. Knife more than three (3) inches long, (including a switchblade or other knife having an automatic spring release device);
 - c. Stiletto (excluding a small pen or pocket knife);
 - d. Police baton or nightstick;
 - e. Any other martial arts weapon
 - f. Electronic defense weapon

STATEMENTS OF POLICY:

WORKPLACE VIOLENCE: All forms of workplace violence committed by or against employees, customers or visitors are prohibited. A violent act or threat of violence is defined as any direct/indirect action or behavior that could be interpreted, in light of known facts, circumstances and information, by a reasonable person, as indicating potential to harm, endanger or inflicting pain or injury on any person or property.

These forms of violence include, but are not limited to, four (4) general types of violence; *attack*, the use of force in order to harm; *threats*, expressions of intent to inflict injury; *harassment*, behavior designed to trouble or worry victims and *property damage*, intentional damage to property owned by SCDOT, any employee, customer or visitor. Some examples of actions/behaviors, which fall into these categories are:

- Threatening the safety of an employee and/or visitor, whether directly or implied;
- Affecting the health, life, or well-being of an employee and/or customer;
- Possession of, or threatening with a weapon while on SCDOT property or business;
- Committing acts motivated by, or related to, sexual harassment or domestic violence;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another person to emotional distress; i.e.- bullying.
- Physical assault, threat to assault, or stalking another employee, customer, or visitor;
- Applying pressure motivated to force/compel another person to act or think in a manner contrary to SCDOT rules, regulations, policies or procedures.
- Intentionally damaging property of SCDOT or personal property of another person;
- Harassing or intimidating statements, phone calls, voicemails, e-mail messages, or those statements which are unwanted or deemed offensive by the receiver;
- Racial or cultural epithets or other derogatory remarks associated with hate crime threats.

As termination is a common cause for feelings of anger in employees, the following procedures apply to all terminations and should be carried out by management and/or Human Resources.

- Prior to termination, assess the employee's potential for violence in deciding how and when to terminate.
- Handle the exit interview or termination in a professional but compassionate manner. Try to understand the impact of the action on the employee.
- Clearly explain the reasons for termination.
- Provide the employee an opportunity to discuss his/her concerns regarding the termination.
- Stay with the employee throughout the termination process and escort the employee out of the office and ensure they leave the premises. If the

employee refuses to leave, contact local law enforcement, the District/Division Head and the Human Resources Office.

WEAPONS: The possession/use of weapons or dangerous instruments as defined below (even if licensed to carry a weapon) or any paraphernalia associated with such a weapon by a SCDOT employee is prohibited on SCDOT-owned or leased premises. This includes, but is not limited to, SCDOT parking lots, SCDOT owned vehicles, personal vehicles used in the course of SCDOT business and SCDOT sponsored events.

Any employee who has a question as to whether an instrument, article or substance is considered a weapon or dangerous instrument in violation of this policy should ask for clarification from their supervisor, manager or from SCDOT Human Resources prior to bringing the instrument, article or substance on SCDOT- owned or leased premises.

Any weapon or dangerous instrument on SCDOT-owned or leased premises are subject to confiscation. Employees' desks, lockers, workstations, offices and files may be subject to security searches, if warranted. The Agency's Human Resources Director or a designee and/ or local authorities may conduct searches, when deemed appropriate. The employee may refuse the search; however, such refusal may result in termination for "Refusal To Cooperate With An Administrative Investigation", as outlined in the Department's Disciplinary Action Policy. SCDOT reserves the right to conduct searches on its property or authorize searches by law enforcement on its property without the employee being present.

EXCEPTIONS: Although possession of weapons by employees is prohibited at any time while conducting SCDOT business, exceptions may be made due to conditions of employment. The Agency Head must approve any exceptions and the written documentation should be placed in the employee's personnel file. Other exceptions to this policy may be police officers, security guards, or military personnel with authorization, persons specified under Section 23-31-240 of the South Carolina Code of Laws or other persons who have been given written consent by the Department to carry a weapon on the property.

WORKPLACE VIOLENCE REPORTING PROCEDURE:

- If you experience or witness any form of harassment, threats or acts of violence from another employee, report the incident immediately to your supervisor. If your supervisor is the aggressor, report through the appropriate chain of command.
- Any supervisor who receives a complaint related to acts of violence, threats, coercion, harassment or has reason to suspect that these acts or behaviors are occurring, must immediately notify the Division Head/DEA and Human Resources. The designated individual must complete a "Violence Incident Report Form". The form must be completed no later than two (2) working days from the alleged event and forwarded to the Human Resources Office, along with appropriate Disciplinary Action paperwork.

- Upon being informed of an allegation of violence, threat or harassment, the designated staff, and/or law enforcement officials if necessary, must immediately investigate the matter.
- Reports or incidents will be handled confidentially and information will be disclosed to others only on a need-to-know basis.
- All parties involved in a situation will be counseled and the results of the investigations will be discussed with them as deemed appropriate.
- Appropriate disciplinary action, up to and including termination, will be taken when deemed necessary.

The South Carolina Department of Transportation encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Department before the situation escalates into potential violence. An employee will not be retaliated against by the SCDOT for reporting acts of violence, threats and/or harassment. If you are victimized in the workplace, you are encouraged to also report the crime to local law enforcement authorities. The choice about whether or not to report the incident to local law enforcement authorities belongs to the employee. Employees who knew of information about acts of violence, threats or harassment, but did not act consistent with this procedure, may be subject to appropriate disciplinary action, up to and including termination.

All supervisors are responsible for the implementation of this policy and for ensuring that all employees have knowledge and understanding of this policy. In an effort to ensure that the employees of the South Carolina Department of Transportation understand the seriousness of the issue of workplace violence, mandatory workplace violence training will be provided.

SCDOT VIOLENCE INCIDENT REPORT FORM

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To be completed by the individual investigating the incident. Consult with the Human Resources Office, Employee Relations section, (803) 737-1321, or your Human Resources Coordinator.

1. Individuals involved in the incident (use additional sheet[s] if necessary):

Name: _____	Name: _____
Victim or Perpetrator? _____	Victim or Perpetrator? _____
Title: _____	Title: _____
Phone: _____	Phone: _____
Immediate Supervisor: _____	Immediate Supervisor: _____
Manager: _____	Manager: _____
Location/Org.: _____	Location/Org.: _____
District: _____	District: _____

2. TYPE OF INCIDENT: (check all that apply)

<u>Threat:</u>	Verbal	Mail	Note	E-mail
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- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Communicated to victim | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Communicated to another person | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Other (Specify) _____ | | | | |

Intimidation:

- ☐ Stalking
- ☐ Engaging in actions intended to frighten, coerce or induce duress
- ☐ Other (Specify) _____

Property Damage:

- ☐ Damage to State property (Specify) _____
- ☐ Damage to personal property (Specify) _____
- ☐ Other (Specify) _____

Physical Attack:

- ☐ Hitting, fighting, pushing or shoving
- ☐ Use of object as weapon (Specify) _____
- ☐ Use of weapon such as gun, knife, etc (Specify) _____
- ☐ Other (Specify) _____