

CHAPTER 30

WORKPLACE VIOLENCE

30-1. GENERAL.

Any form or manner of threatening acts, remarks or gestures in the workplace is unacceptable. There is no excuse for, and there will be no tolerance for, violence or threats of violence by anyone at any level on the Fort Bragg Installation. All threats will be thoroughly investigated. Those employees who engage in this type of unacceptable behavior will be subject to appropriate disciplinary action. This chapter prescribes policy and establishes protocols for assessing threats and the potential for violence within Fort Bragg and for minimizing the possibility that a threatening situation will escalate into violence or a crisis. It outlines sources and early warning signs of potential violence, appropriate responses to early warning signs and threats, post-threat steps and general prevention strategies. This chapter provides only the minimum essential elements and must not be interpreted as all-inclusive.

30-2. EARLY INTERVENTION AND THE ROLE OF THE SUPERVISOR.

a. Two key elements can prevent a potentially violent employee from escalating to the action level. These elements are recognizing the early warning signs and quickly intervening. Any delay in addressing an incident or early warning signs may send a message that such behavior is acceptable or the delay may allow the individual to take further advantage of the situation. First-line supervisors play a crucial role in observing changes in their employees and in identifying and responding to early warning signs.

b. While there is no foolproof system for detecting who might become violent, understanding the early warning signs, recognizing them when they occur and acting on that knowledge (by contacting the appropriate authorities for discussion and mutual agreement on actions to be taken) are vital steps in heading off a possible tragedy and in getting help for the troubled employee.

30-3. IDENTIFYING POTENTIALLY VIOLENT BEHAVIOR.

a. With the increasing media reports of violence in the workplace and warnings not to disregard the signals of potential violence-like threats, managers and supervisors must balance considerations of workplace safety against the rights of an individual not to be stigmatized or treated unfairly. Questions of whether a particular statement or action by an employee constitutes a "threat" are difficult to answer. Direct or

veiled threatening remarks and intimidating or harassing statements or behavior describe some of the conduct and language a manager or supervisor may encounter with an employee on or off the job.

b. As managers and supervisors, you should stress to your employees the importance of immediately reporting any threatening remarks or intimidating or harassing behavior. When this type of behavior occurs or is reported, you should immediately call an Employee Relations Specialist (ERS) in the Labor Management Office (phone 396-8905/9138). Do not disregard threatening remarks or behavior, even if you don't personally perceive that a threat has been made. The agency could be held liable if you disregard them and violence later occurs. At the least, you might lose a disciplinary action based on the threats. Let the ERS ascertain the reliability of the information, so that you can determine how seriously you should take the threat or a reported threat or behavior. The ERS will contact the labor attorney in the Staff Judge Advocate's office to determine whether there is criminal activity involved requiring a report to the appropriate law enforcement authorities. If you are aware that threatening remarks were made to a third party, you must inform the subject(s) of the remarks, and take appropriate steps to ensure the safety of the employee(s) at work.

c. Be aware of conduct or behavior that creates disruption of the work of other employees and interferes with the agency's ability to perform its mission. While bizarre, irrational behavior has always been a problem, managers and supervisors are now also faced with trying to predict and prevent violent behavior by employees. They must check out the behavior to see whether it is a possible warning signal of potential violence. However, caution must be used to prevent over or under reacting when determining what actions are appropriate to respond to the behavior or conduct. Again, let your ERS, working with other specially trained personnel, assist you in making that determination.

d. Some behavior, although it may be perceived as bizarre, is not disruptive in that it does not disturb other employees or clients of the agency or the impact on the employee's ability to perform acceptable work. If managers or supervisors use unfounded assumptions as a basis for requesting adverse action, such action could lead to charges of employment discrimination. If an employee appears to be having a personal problem, or perhaps is not behaving in his/her usual manner, call the Employee Assistance program (EAP) counselor, at 396-5784 and discuss the situation with him/her, and then , if appropriate, refer the employee to the EAP.

e. If the behavior is repeated or noticeable enough that it is disrupting the employee's ability to work and having an adverse impact at the work site, call the EAP counselor to discuss the best course of action. Ask if he/she wants to set a time for you to refer the employee to the EAP office. If so, give the employee a written referral, preferably with the appointment time noted in the referral. See Chapter 16 on the Employee Assistance Program. **NOTE: You cannot force the Employee to attend the EAP appointment.**

f. If the employee has failed to accept a referral to the EAP, and the bizarre, irrational behavior continues or escalates, you may talk to the EAP counselor about coming to the work site for a first-hand observation of the employee's behavior. He/She will come on site to observe and assist in making an assessment of the likelihood of violence or other destructive behavior. In this case, the presence of the counseling specialist would be justified by the legitimate concern about a direct threat.

g. If the employee has raised a question of health, ask him/her to supply medical documentation to help you make informed decisions and to determine if any reasonable accommodation would help overcome the problem. Your ERS can draft the request for medical information that will be most useful in obtaining the documentation needed in the decision making process. **NOTE: You cannot order an employee to go to see a physician unless the employee's position has medical standards or requirements.** Even if you can order a general medical examination, you cannot order a psychiatric examination unless you have the results of a physical examination that indicates there is no physical explanation for behavior that affects the safe and efficient performance of the employee.

h. If no medical problems have surfaced, and if the disruptive behavior is not too serious, counsel the employee about the disruptive behavior, tell him/her the effects of such disruption on the work of other employees in the office, citing specific situations. This counseling should be done formally, documenting the counseling in a Memorandum. Provide the employee with a copy of the memorandum and have him/her initial your copy. Use this opportunity to make an EAP referral.

i. If after checking with your ERS, you discover there is a history of similar behavior, find out if counseling was offered or whether any warning or disciplinary action was taken. If earlier disciplinary action has been taken, mention this fact in your counseling memorandum.

j. If the employee is in a position that requires a security clearance, check with the ERS about consulting with security personnel before doing anything else.

k. If you learn that an employee's threatening remarks, intimidating or harassing behavior, or bizarre/ disruptive behavior occurred off-duty, work with the ERS to determine how reliable such reports are, and whether the agency needs to take action on the basis of these reports. Off duty misconduct cannot be used as the basis for disciplinary or other action unless you can tie the misconduct to the employee's ability to perform the duties of his/her position.

l. Obsessive behavior, changes in work performance, signs of stress in the employee's personal life, and substance abuse may be factors in evaluating potential for violence. Other factors may include apathy (e.g., loss of interest in job), fear of loss of job security, difficulty in concentrating, overly suspicious attitudes, declining hygiene and appearance, and a preoccupation with illness.

30-4. ANALYZING RISK FACTORS/DETERMINING A PLAN OF ACTION.

a. It is not possible to predict or assume potential for violence based on any one of the factors discussed above; however, a combination of them is viewed as part of any comprehensive assessment of risk level. When any of the warning signals for potential violence have been revealed directly or through reported incidents, the immediate supervisor should consider and document the following factors:

- (1) Body language and tone of voice;
- (2) The employee's ability to carry out threats (i.e., immediacy of threat, existence of actual plan, availability of means to carry out the plan, the employee's presence in or proximity to the facility);
- (3) The employee's propensity to engage in physical violence (past behavior);
- (4) Triggering event causing the employee to react;
- (5) Context in which threatening words were used by the employee;
- (6) The response and reaction of the subject(s) of or witnesses to the threatening remarks;

(7) The employees subsequent conduct, i.e., the presence or absence of remorse, concern, desire to correct.

(8) Depending on what is determined concerning the potential for violence, talk to your ERS about whether you should place the employee on excused absence (administrative leave) for a short period while the agency decides on further action. **NOTE:** Don't make the common mistake of sending the employee home without any plan for bringing him or her back or taking the appropriate adverse personnel action.

(9) Discuss with your ERS whether you should take non-disciplinary or disciplinary action based on the facts in your particular situation.

30-5. HANDLING VIOLENT BEHAVIOR.

a. When the violent behavior involves the use of firearms, immediately call law enforcement officials or building security guards. If appropriate and possible, call the EAP coordinator.

b. If possible, observe the employee's behavior and appearance to see if he/she appears rational or out of control. Conduct any such observation cautiously and unobtrusively. Note whether the employee's clothing is disordered or whether his/her speech, including answers to remarks, appear inappropriate or bizarre.

c. If possible, determine unobtrusively whether the employee may be under the influence of alcohol or drugs. If so, document why, i.e., lack of physical control, reddened eyes, slurred speech, smell of alcohol, etc. This type of observation is called "lay evidence". The use of lay evidence has been held to be sufficient to prove intoxication if you are later taking a disciplinary action based upon on-the-job intoxication or physical impairment.

d. Make the most complete and contemporaneous record you can of the incident, using witnesses' statements, any arrest documents, etc.

e. After the appropriate law enforcement officers are on the scene and the situation has been diffused, call the EAP coordinator for suggestions on helping the workforce deal with the incident.

f. Once the immediate danger has passed, and if the employee is still at the work site, consult with law enforcement officials, the EAP counselor, and ERS about whether you should remove the employee from the work site and place him/her on excused absence

(administrative leave) and/or have them barred from the work site or Fort Bragg Installation while the agency decides on further action. NOTE: If you bar an employee from the work site, you must either place them on administrative leave or use adverse action procedures to propose enforced leave.

g. If the employee is not at the work site because he/she has been jailed or hospitalized because of on or off-duty violent misconduct, the employee should be charged AWOL for each day of absence. Removal may be appropriate depending on how long the employee is or is anticipated to be absent.

h. If the violent behavior is a physical attack against a supervisor or another employee, try to keep the employee in a quiet place while someone calls law enforcement officials or building guards, as appropriate. Remove the employee from the immediate work area but, in most cases, not from the work site without some other provision for the employee or other's protection. Do not let the employee drive himself/herself if he/she appears incapacitated. Make arrangements to have someone (ordinarily not agency personnel) get the individual home and try to keep him/her at the work site until you complete these arrangements. Questions of liability for the agency or its employees may otherwise arise.

30-6. SUMMARY. The overall aim of this chapter is to help you recognize the early warning signs of potential violence, take appropriate actions to diffuse violent and potentially violent situations, and determine what middle or long-term actions are necessary to ensure the return to a functioning and safe working environment when events have run their course.