Policy 2512

From Human Resources

Revision as of 20:26, 22 February 2012 by Uballr1 (Talk | contribs)
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PERSONNEL POLICY MANUAL
MoDOT Personnel Policy Title: Workplace Violence **Policy Number**: 2512 **Chapter Title**: Employee Conduct **Effective Date**: January 1, 2009 **Supersedes Policy Number**: 2512 **Dated**: July 1, 2005
Approved By: Micki Knudsen, Human Resources Director (Signature on file)

POLICY STATEMENT

The Missouri Department of Transportation is committed to increasing the safety of its employees while at work by establishing procedures for reporting, investigating, and responding to incidents of threatened and/or actual violence. Discrimination, harassment, and retaliation against person(s) reporting, or responding to behavior prohibited under this personnel policy is strictly prohibited. Also prohibited is any interference, or obstruction by an employee with any departmental investigation that is deemed necessary under this personnel policy. Violation of this policy can include discipline up to, and including termination.

DEFINITION

Prohibited Behavior - Includes any communication, or physical actions intended, or reasonably expected to threaten, intimidate, or harm another person. This includes, but is not limited to:

A. Violent threats, expressed as verbal comments, directly or indirectly expressed in a veiled, or conditional manner to another person(s).

B. Violent threats that may be communicated through any written or pictorial documentation including computer memorandum(s).

C. Physical actions such as hitting, pushing, kicking, holding, impeding, physical gestures, or forcibly blocking the movement of another person(s).

PROVISIONS / REQUIREMENTS

1. The department prohibits any person from carrying a firearm or weapon of any kind that is readily capable of lethal use into a department owned or occupied building as provided in Section 571.030.1(8) of the Revised Statutes of Missouri, whether or not the person has a permit to carry a concealed firearm. The department will post signs prohibiting such firearms or weapons in MoDOT owned or occupied buildings. The department further prohibits firearms or any weapon readily capable of lethal use in any department equipment or vehicles, whether or not the person has a permit to carry a concealed weapon. This personnel policy does not apply to any on-duty federal, state, county, or municipal law enforcement officer(s) possessing the duty and power of arrest for violation of the general criminal laws of the state or nation. Further, this policy is not intended to prohibit storage of a concealed or unconcealed firearm or other weapon capable of lethal use in a personal vehicle while parked on department property, as long as the firearm or weapon capable of lethal use remains in the vehicle at all times and is not brandished on department property.

2. For the protection of other employees, any employee being stalked, or otherwise threatened off the job is strongly urged to notify his/her immediate supervisor, or the local human resources office immediately. In those cases where a restraining order has been issued, the employee is required to notify his/her immediate supervisor, or the local human resources office.

3. Any employee who has been subjected to behavior prohibited by this personnel policy, or who has knowledge of behavior prohibited by this personnel policy is required to accurately report the matter to his/her immediate supervisor (next higher supervisor if the concern is with the immediate supervisor), or human resources. This includes any violations of this personnel policy an employee may have witnessed or heard that another person has received, and is job-related or might be carried out on department property or connected to department employment. Employees are responsible for making this report regardless of the nature of their relationship to the individual who initiated the prohibited behavior. The failure to report such incidents under this personnel policy could result in disciplinary action up to, and including termination.

4. **This personnel policy does not preclude employees from, at any time, contacting law enforcement, or emergency personnel, should the incident/behavior in their estimation warrant an immediate intervention by law enforcement personnel.**

5. Any employee intentionally making a false report under this personnel policy will be subject to disciplinary action up to, and including termination.

6. To effectively respond to incidents under this personnel policy, the department has established Threat Assessment Teams within each district and the Central Office. These teams will be responsible for investigating and responding to incidents occurring within their respective locations. The Threat Assessment Teams will work in conjunction with appropriate department officials from the Central Office, as well as local law enforcement and emergency agencies when necessary, to coordinate and respond to incidents as they occur. It is suggested, but not required, that the Threat Assessment Teams should consist of the following representatives: a senior management member, human resources manager/director, a divisional management representative, and the immediate supervisor (when appropriate) from the work unit where the incident occurred. Additionally, a chief counsel representative or risk management representative from the Central Office may be involved should a Threat Assessment Team feel an incident warrants such input. Members of the district Threat Assessment Teams will be appointed by the respective district engineer, while the Central Office Threat Assessment Teams will be appointed by the director, department of transportation, or a designated representative.

7. All incidents reported to supervisory personnel under this personnel policy should be promptly forwarded to the human resources manager/director to determine if the involvement of Threat Assessment Team is necessary. In the event of a report requiring immediate intervention by law enforcement personnel, the appropriate law enforcement agencies will be contacted immediately. Each Threat Assessment Team upon completion of investigation may recommend disciplinary actions including, but not limited to: verbal or written warnings, job demotion or reassignment, probation, suspension, or termination of employment.

8. When appropriate, the department will cooperate and assist with any criminal investigation(s) or prosecution(s) that may result from reported incidents under this personnel policy.

9. All incidents reported under this personnel policy will be kept confidential by the department to the extent possible. However, the department, after receiving a report, is required to act appropriately and prudently based upon the information received to ensure the physical safety of its employees and others. Therefore, the department cannot promise anonymity to the person(s) who made the report. The identity of the person(s) making the report shall only be disclosed to those who have a legitimate need to know in those cases where disclosure is necessary.

10. Districts/divisions/offices are required to document all reported incidents under this personnel policy. On a periodic basis, districts/divisions/offices will be required to submit basic, non-confidential statistical information on these incidents to the Risk Management Division.

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