



Workplace Violence and Bullying Policy

Purpose

The purpose of the Workplace Violence and Bullying Policy is to notify all employees that ODA is committed to maintaining a safe and secure workplace and providing all employees a work environment that is safe, secure, and free of harassment, threats, intimidation, and violence. Therefore, ODA has a zero tolerance policy for workplace violence and bullying. Any substantiated threats or acts of workplace violence or substantiated acts of bullying will result in disciplinary action. This policy also sets forth the guidelines and procedures to be followed when an employee becomes aware of a situation impacting the safety and security of the workplace.

Reference

- a. ORC Chapter 2923
- b. Ohio Admin. Code 123:1-30-03
- c. ODA Unauthorized Weapons Policy
- d. DAS Directive HR-D-04
- e. ODA Disciplinary Policy

Authority

- a. OCSEA Article 11.04

Scope

This policy applies to all full and part-time employees, staff, agents, contractors, interns, and temporary workers of ODA and covers any threat or act of physical violence, intimidation, harassment, and/or coercion which involves or affects ODA employees or which occurs on state property.

Definitions

- a. "Workplace Violence" includes, but is not limited to, the following:
 - i. All threats or acts of violence occurring on state property regardless of the relationship between the state and the individual involved in the incident;
 - ii. All threats or acts of violence not occurring on state property, but involving someone who is acting in the capacity of a representative of ODA;
 - iii. All threats or acts of violence not occurring on state property, but involving an employee of ODA if the threats or acts of violence affect the legitimate interests of the state.



- iv. All threats or acts of violence resulting in the conviction of an employee or agent of ODA under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests of the state.
- b. “Threats or acts of violence” include conduct against persons or property that is sufficient severe, offensive, or intimidating to alter the conditions of state employment, or to create a hostile, abusive, or intimidating work environment for one or more ODA employees.
- c. “Bullying” is repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Bullying includes but is not limited to the following:
 - i. Verbal bullying: Slandering, ridiculing, or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; and abusive and offensive remarks;
 - ii. Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person’s work area or property; and
 - iii. Gesture bullying: Nonverbal threatening gestures; glances that can convey threatening messages.

Prohibitions

Examples of Prohibited Conduct

All employees, customers, vendors and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay” or other conduct that may be dangerous to others. Conduct that threatens, intimidates, coerces, or bullies another employee, customer, vendor or business associate will not be tolerated. ODA resources may not be used to threaten, stalk, bully, or harass anyone at or outside the workplace. ODA treats threats coming from an abusive personal relationship as it does other forms of violence.

Specific examples of conduct that may be considered “Threats or acts of violence” prohibited under this policy include, but are not limited to, the following:

- a. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on state property as defined in ODA’s Unauthorized Weapons Policy;
- b. Hitting or shoving an individual;
- c. Threatening to harm an individual or his/her family, friends, associates or their property;
- d. The intentional destruction or threat of destruction of personal property of others or property owned, operated, or controlled by the state;
- e. Making harassing or threatening telephone calls, or sending harassing or threatening or other forms of written or electronic communications;



- f. The willful, malicious and repeated following of another person, also known as “stalking,” and making of a credible threat with intent to place the other person in reasonable fear for his or her safety;
- g. Intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule that would affect the business interests of the state;
- h. Conduct that includes repeated verbal abuse and intimidation or profanity directed at subordinates, supervisors, co-workers, or customers, while not overtly physical or violent, may be prohibited under this policy.

In addition, the following examples may constitute or contribute to evidence of “bullying” in the workplace:

- a. Persistent singling out of one person;
- b. Persistent shouting or raising one’s voice at an individual in public or in private;
- c. Using obscene gestures;
- d. Persistently not permitting the person to speak or express himself or herself (i.e., ignoring or interrupting);
- e. Personal insults and use of offensive nicknames;
- f. Public humiliation in any form;
- g. Persistent criticism on matters unrelated or minimally related to the person’s job performance or description;
- h. Persistent ignoring or interrupting an individual at meetings;
- i. Public reprimands;
- j. Repeatedly accusing someone of errors that cannot be documented;
- k. Deliberately interfering with mail and other communications;
- l. Spreading malicious rumors and gossip regarding individuals;
- m. Encouraging others to disregard a supervisor’s instructions;
- n. Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions);
- o. Assigning menial tasks not in keeping with the normal responsibilities of the job;
- p. Persistently taking credit for another person’s ideas;



- q. Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave; and
- r. Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

Warning Signs, Symptoms, and Risk Factors

The following are examples of warning signs, symptoms, and risk factors which may indicate an employee's potential for workplace violence:

- a. Dropping hints about the possession of or access to firearms;
- b. Making intimidating or threatening statements like: "I'll get even", "I know where you live," or "You've haven't heard the last from me";
- c. Displaying overt signs of extreme stress, resentment, hostility, or anger;
- d. Showing sudden or significant deterioration of performance;
- e. Displaying irrational or inappropriate behavior;
- f. Having a romantic obsession with a co-worker who does not share that interest; and
- g. History of interpersonal conflict.

ODA encourages employees to bring their disputes to the attention of their supervisors or Human Resources before the situation escalates. ODA will not discipline employees for raising good faith concerns.

Reporting Violent or Bullying Behavior

- a. Each employee or agent of ODA is required to immediately report incidents of indirect or direct threats or acts of physical violence of which he or she is aware regardless of whether the alleged aggressor is a state employee, and incidents of bullying by a state employee;
- b. The report should be made to the reporting individual's immediate supervisor or a management level supervisory employee if the immediate supervisor is not available or if the immediate supervisor is a party to the incident;
- c. When reporting a threat or incident of violence or bullying, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.
- c. The supervisor/management employee shall contact the Human Resources Director, who shall take appropriate action in accordance with the applicable law, rule, or collective bargaining agreement. Security personnel should be notified by the Human Resources Director if necessary.



- d. Prior to the initiation of any investigation leading to a proposed disciplinary action, the Human Resources Director or Chief Legal Counsel shall report any incidents of threats or acts of physical violence to the Chief Legal Counsel for the Governor (or his designee), Ohio State Highway Patrol Office of Investigative Services, and the Ohio Inspector General (or his designee).
- e. Employees should promptly inform Human Resources of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. ODA will not retaliate against employees making good-faith reports. ODA is committed to supporting victims of intimate partner violence by providing referrals to ODA's employee assistance program and community resources and providing time off for reasons related to intimate partner violence. Please see ODA's Domestic Violence Policy.

Crisis Management Procedures

Procedures in Potentially Violent Situations

In all situations if violence appears to be imminent employees should take the precautions necessary to assure their own safety and the safety of others.

In the event of a crisis situation, the following procedures should be followed:

- a. If the crisis situation involves an injury that requires immediate medical attention, the employee discovering the crisis should alert emergency medical services by calling 911, contact the Chief of Enforcement and/or law enforcement, and notify their supervisor. The supervisor should notify the Chief Legal Counsel and the Human Resources Director.
 - b. If the violent individual is present with the employee, the employee should remain calm, make constant eye contact and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, employees should cooperate and follow the instructions given.
- c. In the event of all other crisis situations, ODA employees should notify their supervisor of the situation. If no supervisor is available, the employee should notify the Chief Legal Counsel and/or the Human Resources Director, who will contact the Chief of Enforcement and/or law enforcement officials. If the supervisor is available, the supervisor should notify the Chief of Enforcement and/or appropriate law enforcement officials, the Chief Legal Counsel, and the Human Resources Director;
- d. Immediate action shall be taken to ensure the safety of those involved in the crisis situation or affected by the crisis;
- e. The Chief Legal Counsel and/or Human Resources Director or their respective designees shall notify the ODA Director, Deputy Director, and Communications Director of the facts of the crisis situation as soon as possible;
- f. The Human Resources Director or his or her designee shall handle all communication with the immediate relative(s) and other employees;



- g. The Communications Director or his or her designee shall handle all communications with the media. Therefore, employees contacted by the media shall refer all communications to the Communications Director;
- h. In the event of threats of violence to person(s) or property by means of firearms, fire, explosions, bombs, etc., the Chief of Enforcement will contact the State Highway Patrol. If law enforcement authorities determine that an evacuation is necessary, personnel of the affected area will be evacuated from the threatened area and employees will be directed to evacuation locations.
- i. If a building evacuation is necessary, it will be conducted in a safe and orderly manner. Until otherwise directed, employees must report to and remain at the evacuation site so that they may be accounted for. Responding emergency service personnel will be notified of persons not accounted for to aid in determining whether the evacuation is complete;
- j. Re-entry into the building will be restricted to emergency service and/or authorized personnel until law enforcement authorities determine the crisis is resolved and a safe re-entry can be made;
- j. In the event a person causing a crisis situation leaves the building, responsibility for preventing that person from re-entry shall be left to law enforcement authorities.

Fitness-for-Duty Evaluation

Pursuant to ORC 123:1-30-03, at the discretion of the Director, an employee showing symptoms of potentially violent behavior may be ordered to submit to a Psychological/Psychiatric evaluation to determine the employee's fitness-for-duty.

Referral to Employee Assistance Program

- a. Where a supervisor suspects that an employee has work-related and/or personal problems that could potentially lead to a workplace violence issue, the supervisor shall notify the Human Resources Director, who may recommend or request that the employee contact the Employee Assistance Program (EAP) for counseling and support;
- b. Where an employee suspects that another employee has work-related and/or personal problems that could potentially lead to a workplace violence issue, the employee shall notify his or her supervisor, who shall follow the same procedure outlined above;
- c. The Human Resources Director or EAP Coordinator should be consulted in the event of a critical incident to arrange for EAPassist in diffusing the situation. EAP should be consulted within 24 hours of the incident for purposes of conducting a critical incident stress debriefing.

Examples of critical incidents include:

- i. Hostage or riot situations;
- ii. Serious injury or death of a coworker; and



- iii. Incidents involving use of force.

Violations

Violations of this policy by any individual shall subject the individual to legal action, as appropriate. Violations of this policy by an ODA employee shall lead to disciplinary action up to and including removal in accordance with the applicable law, rule or collective bargaining agreement and ODA Disciplinary policy.

Contact

The Human Resources Director is available for questions or consultation regarding the provisions and application of this Workplace Violence Policy.

This policy supersedes any previously issued directive or policy and will remain effective until cancelled or superseded.

Revision History

Date	Description of Change
8/2012	Initial Policy Issued
7/2015	Policy Reviewed

