

**ARS**  **NIFA**  **ERS**  **NASS**

## ***Policies and Procedures***

***Title:*** Preventing Workplace Violence

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This P&P describes the essential elements of, and assigns responsibilities for, identification, prevention, and response to threats or incidents of violence in the workplace.

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## 1. REFERENCE

USDA Handbook on Workplace Violence Prevention and Response, October 2001.

Departmental Regulation 4200-001 – Workplace Violence Prevention and Response Program, April 2013

Departmental Regulation 4200-002 – Domestic Violence Prevention and Response Program, July 2014

## 2. PURPOSE

Violence and threats of violence have no place in the Federal workplace. The origin of violence or the threats of violence can be from internal sources such as coworkers or from external sources such as our clients or others. This is the policy of the REE Mission Area within the U. S. Department of Agriculture (USDA) on the prevention of and response to workplace violence.

## 3. DEFINITIONS

- a. Affected Employee. Any REE employee subjected to assault, harassment, inappropriate interference, intimidation or threat by internal or external sources.
- b. Cooperative Resolution Program (CRP). A program designed to help parties resolve conflicts with the assistance of a neutral third party. It can include facilitation, conciliation, and mediation.
- c. Assault. Any willful attempt or threat to inflict injury upon the person of another, when coupled with an apparent ability to do so, and/or any intentional display of force that would give the victim reason to fear or expect immediate bodily harm.
- d. Bullying. A repeated, intentional, mistreatment of an individual that is driven by a desire to control, impede, or interfere with an individual.
- e. Dangerous Weapon. A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length. (18 U.S.C. 930(g) (2)).
- f. Employee Assistance Program (EAP). A program designed to assist in the identification and resolution of work-related and non-work-related productivity problems associated with employees impaired by personal concerns including, but not limited to, health, marital, family, financial, alcohol, drug, legal, emotional, or other personal concerns that may adversely affect employee job performance.
- g. External Source. Any individual not having authorized access to REE facilities.
- h. Harassment. To annoy or torment repeatedly and persistently causing fear for personal safety. This includes, but is not limited to, any unwelcome or unwanted conduct that denigrates or shows hostility or an aversion toward another person on the basis of any characteristic protected by law, which includes an individual's race, color, gender, ethnic or national origin,

age, religion, disability, marital status, sexual orientation, gender identity, or other personal characteristic protected by law.

- i. Hostile Behavior. Examples of hostile behavior include: bullying, intimidation, harassment, violent outbursts, fighting, unauthorized possession of a weapon, assault (physical, sexual, verbal), suicide threat, and threat of injury to people or destruction/damage to property.
- j. Immediate Supervisor. The individual to whom an employee directly reports and/or from whom receives direction.
- k. Imminent Danger. An exposure or vulnerability to harm or risk about to occur or that is impending.
- l. Interference. An act or behavior to hamper, hinder, block, resist, oppose or impede the actions or activities of another person that causes fear for personal safety.
- m. Internal Source. Any REE employee, contractor, or collaborator having LincPass access to REE facilities.
- n. Intimidation. Making others afraid or fearful through threatening and/or aggressive or passive aggressive behavior.
- o. Local Legal Authorities. Municipal, County, State, and Federal law enforcement offices, having local jurisdiction, or public safety personnel, such as police, fire fighters, arson investigators, bomb threat investigators, on-site security staff etc., of the jurisdictions where REE employees are located.
- p. Stalking. Any unwanted pursuing, following or harassing by one person of another person that directly or indirectly communicates a threat or places one of the people in fear for their personal safety.
- q. Threat. Any gesture or verbal or written expression a reasonable person would interpret that conveys intent to cause physical/non-physical harm to the individual or their property, either presently or in the future.
- r. Violence. Physical force or other actions exerted for the purpose of violating, damaging, or abusing another person.

#### **4. POLICY**

REE will not tolerate threats or acts of violence against persons or property. All acts of violence and threats of violence will be taken seriously. Any threatening or violent act must be reported to management promptly and accurately regardless of whether any physical contact has occurred. Incidents of workplace violence shall be grounds for serious disciplinary action (including removal) and possible criminal charges.

Prohibited behavior includes, but is not limited to, the following list of behaviors directed at or by a co-worker, supervisor, or member of the public:

- a. Direct threats;
- b. Intimidation;
- c. Implications or suggestions of violence;
- d. Stalking;
- e. Bullying;
- f. Assault;
- g. Physical restraint, confinement;
- h. Dangerous or threatening horseplay;
- i. Loud, disruptive, or angry behavior or language that is clearly not part of the typical work environment;
- j. Blatant or intentional disregard for the safety or well-being of others;
- k. Commission of a felony or misdemeanor on USDA property;
- l. Any other act that a reasonable person would perceive as constituting a threat of violence; and
- m. Possession, use, or threat of use of a firearm, explosive, or other dangerous weapons by the following individuals is prohibited:
  - 1. REE employees at work;
  - 2. anyone in USDA Government owned or leased workplaces;
  - 3. anyone in privately owned vehicles on official USDA business;
  - 4. anyone in USDA Government owned or leased vehicles; or
  - 5. anyone in privately owned vehicles parked in USDA Government owned or leased areas.

**Exemption to these prohibitions is permitted only when:**

- a. the lawful performance of official duties by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law;
- b. the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law; or
- c. the lawful carrying of firearms or other dangerous weapons in a Federal facility incident to authorized hunting or other lawful purposes.

## 5. RESPONSIBILITIES

**REE Agency Heads will:**

- a. ensure policies and procedures to prevent and respond to workplace violence are implemented;
- b. assure all agency employees are trained in the prevention of workplace violence; and
- c. support management and employee efforts to eliminate intimidating or threatening/bullying behavior and violence in REE.

**The ARS Deputy Administrator for Administrative and Financial Management will:**

- a. serve as executive sponsor of the Policies and Procedures for the Prevention of Workplace Violence;
- b. develop employee workplace violence prevention training;
- c. serve as the REE representative on the USDA Workplace Violence Prevention and Response Advisory Committee; and
- d. support management and employee efforts to eliminate intimidating or threatening/bullying behavior and violence in REE.

**The ARS Director, Homeland Security will:**

- a. provide oversight for all workplace violence prevention activities in the REE mission area

- in support of agency programs and departmental initiatives;
- b. provide advice and assistance in support of the AFM Deputy Administrator's participation in the Department's Workplace Violence Prevention and Response Advisory Committee;
- c. serve as the REE point of contact in the event of incident of workplace violence to pull together the resources necessary to address the situation;
- d. review Agency response to incidents of workplace violence in order to carry forward lessons learned when dealing with new incidents of workplace violence.

**Managers, Supervisors, and Location Officials will:**

- a. act promptly to try to prevent incidents of workplace violence;
- b. take all real or perceived, verbal and/or physical, threats seriously;
- c. inform employees of workplace violence policies;
- d. ensure employees know specific procedures for dealing with threats and emergencies;
- e. respond to potential threats by utilizing the appropriate resources, e.g., local law enforcement personnel, EAP counselors, Human Resources staff, PALS staff, etc.;
- f. ensure the safety and security plans and procedures for local and field sites are in place and communicated to all employees;
- g. identify in advance the types of workplace violence situations that may occur and how to deal with such situations appropriately;
- h. promote a positive workplace environment through employee engagement and communication;
- i. support use of the Cooperative Resolution Program (CRP) to resolve workplace disagreements in a peaceful way;
- j. report incidents of workplace violence to management and the Agency/Area; and
- k. conduct post incident reviews and analyses.

**All Employees (Supervisors & Non-Supervisors) will:**

- a. treat each other and their customers with dignity and respect;
- b. familiarize themselves with and follow local procedures for dealing with threats and emergencies;
- c. report any threats, physical or verbal, real or perceived, to their supervisors or appropriate management official immediately; and
- d. support use of the Cooperative Resolution Program (CRP) to resolve workplace disagreements in a peaceful way.
- e. If in imminent danger:
  1. immediately remove themselves and/or any other employees from possible or further harm and/or danger;
  2. contact local law enforcement officials (Call 911), and/or any available security personnel;
  3. obtain medical treatment for any injuries if necessary; and
  4. contact their immediate supervisor as soon as possible to report the workplace violence incident. (NOTE: If the immediate supervisor is not available or is the perpetrator, contact an available supervisory or management official or the Area Office/Headquarters Office).

**AFM Human Resources Personnel and Labor Solutions Staff (PALS) will:**

- a. provide supervisors with technical guidance to determine what course of administrative action/discipline is appropriate in specific situations involving violence or the threat of violence;
- b. provide guidance on employee assistance counseling to employees and supervisors; and
- c. participate on incident response teams in the event of a violent situation.

AFM Facilities Division is responsible for issuing, monitoring, and evaluating compliance with security, health and safety, and facility protection plans. (See P&P 240.3 - Physical Protection, Security, and Conduct While on REE Facilities.) This may be different in leased space; please check with the AFM Facilities Division if you have any questions.

## 6. SECURITY AWARENESS

**Physical security and employee safety procedures are important elements in an overall approach to workplace violence prevention. As such, REE will assure:**

- a. security procedures such as the location and operation of safety devices, alarms, and personal security measures are discussed with employees on a regular basis;
- b. worksite emergency numbers including local legal authorities, fire/rescue, and medical facilities are posted and provided to all employees;
- c. buildings, grounds, and work areas are assessed to assure employee/visitor safety and security (guard services, identification badges, key card access systems and other security measures should be considered as circumstances warrant);
- d. safety and security measures for field personnel are reviewed commensurate with potential threats (field employees should be trained in security awareness and safety guidelines appropriate to potentially threatening situations – when working alone in remote or potentially dangerous worksites, employees must keep their supervisors and coworkers informed of their location and activities);
- e. when agency work locations are controlled by outside organizations (i.e., General Services Administration, other Federal/private agencies, or universities), that supervisors and employees coordinate activities with the designated official responsible for managing the organization's occupant emergency plan providing procedures for protecting life and property under emergency conditions;
- f. supervisors are notified immediately of any situation considered to be threatening or potentially violent; and
- g. local legal enforcement authorities are summoned in any instance of immediate threat or danger.

Agency Heads should determine the appropriate organizational level for threat assessments. This responsibility should be formally assigned to a responsible party, who, depending upon an agency's organizational structure, geographic location, and/or local need, could be an individual supervisor, team leader, group of interested employees, or a more formal threat management and response team consisting of multi-disciplinary members from different organizations, both internal and external to the agency.

## 7. TRAINING AND EDUCATION

Training and education is a critical component of any work place violence prevention strategy. Training is necessary for employees, supervisors and non-Federal staff members that may be involved in responding to an incident of workplace violence.

Employees and non-Federal staff members: Training should inform employees how to prevent and respond to incidents of violent, intimidating, threatening and other hostile behavior, and explain Agency policies and location specific safety procedures.

Managers and Supervisors: Managers and supervisors should focus on workplace violence during at least one safety meeting each year: address current, related safety practices; talk to employees about how to react to hostile situations; and solicit employee input on current conditions and vulnerabilities. Managers and supervisors should ensure that all employees know where fire and security alarms are and how to contact local law enforcement authorities, and should provide employees with materials that address both workplace and domestic violence, early warning signs of violence, and indicators that someone is losing control.

Training will also be used to educate employees that the specific Agency response(s) to a report of workplace violence or other hostile behavior is not always visible to employees at large, due to employee privacy concerns.

## 8. RESPONSE TO WORKPLACE VIOLENCE

Determining the seriousness of a potentially violent or unsafe situation and how best to respond is the basis of threat assessment and preparedness. Response to violent threats/incidents must be timely, appropriate to the situation, and implemented in a manner which protects all employees.

Under most circumstances, it is the local employee's coworkers and supervisors who are most likely to notice a change in behavior or hear references that might be the precursor to a violent or stressful event in their workplace.

Because it is impossible to know with any degree of certainty whether a particular threat will be carried out, Agency management and employees must always take any threat seriously.

It is REE policy to provide employees, supervisors, and coworkers with information on potential threats that might arise in the workplace, and most importantly, provide guidance on managing incidents or workplace violence in the event they do occur, in a way that protects employees.

All workplace violence incidents of assault, harassment, interference, intimidation, stalking, bullying or threats must be reported immediately. Agency management officials will review the seriousness of a reported incident, often in conjunction with PALS, and initiate appropriate action, including investigations, disciplinary actions and referrals to the Office of the Inspector General (OIG) for prosecution.

### A. Imminent Danger

Workplace violence incidents that may involve imminent danger or threaten imminent danger may involve physical acts intended to assault, harass, interfere, intimidate or threaten employees while performing or as a result of performing their official duties and responsibilities. When imminent danger or threat occurs, employees should:

1. Immediately remove themselves and/or any other employees from possible or further harm and/or danger;
2. contact local law enforcement officials (Call 911), and/or any available security personnel;
3. obtain medical treatment for any injuries if necessary; and
4. contact their immediate supervisor as soon as possible to report the workplace violence incident. (**NOTE:** If the immediate supervisor is not available or is the perpetrator, contact the next higher level supervisory official or the Area Office/Headquarters Office).



**The responsible, onsite management official shall:**

1. Immediately remove themselves and/or any other employees from possible or further harm and/or danger;
2. contact local law enforcement officials (Call 911), and/or any available security personnel;
3. initiate local safety and security plans and procedures as appropriate;
4. advise agency personnel, including the Director of Homeland Security, so the Agency can respond appropriately to the situation;
5. work with the response team to evaluate the incident and actions taken to determine if appropriate actions were taken; and
6. report 'lessons learned' in regard to the incident to local employees and agency leadership.

**B. Non-Imminent Danger**

Workplace violence incidents may involve non-physical acts intended to harass, interfere, intimidate, bully, stalk or threaten an employee while performing or as a result of performing their official duties and responsibilities. When a non-physical hostile behavior occurs, employees should contact their immediate supervisor to report the incident and receive additional instructions. [NOTE: If the immediate supervisor is not available or is the perpetrator, contact the next higher level supervisory official or the Personnel and Labor Solutions Branch (PALS) 301-504-1349].

Any incident involving workplace violence (hostile behavior) should be reported immediately. At the very least, hostile or disruptive behavior creates an atmosphere of disrespect in the workplace and will not be tolerated. Often, low-level forms of disruptive behavior can be debilitating to the target employee(s), and/or lead to poor morale. Low-level forms of hostility also frequently precede openly violent behavior.

Complete, accurate and timely reporting of the incident is required. This documentation helps facilitate appropriate resolutions of confrontational situations, and permits appropriate responses, preventative measures, and tracking of confrontational situations leading to workplace violence incidents.

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Lisa A. Baldus  
Associate Deputy Administrator  
Administrative and Financial Management