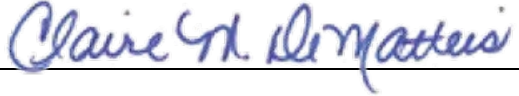


WORKPLACE VIOLENCE PREVENTION POLICY AND PROCEDURES	
DHR-STW-Policy #: To be assigned.	Authority: 29 Del. C § 5806; 29 Del. C. § 9003D; Merit Rule 12.4
Effective Date: April 17, 2023	Supersedes: State of Delaware Workplace Violence Policy 01.08
Application: Executive Branch Agencies	Signature: 

1. Policy Purpose Statement

The State of Delaware is committed to providing a workplace that is safe, secure, and free of harassment, threats, intimidation, and violence for all employees. It is every employee's duty to maintain a safe workplace. This policy is re-established to continue to provide a safe workplace, reduce the risk of violence, provide responsive procedures and support, and to communicate that workplace violence will not be tolerated.

2. Scope

This policy applies to all Executive Branch employees including unpaid interns, joint employees, and apprentices.

3. Definitions and Acronyms

- **Alternative Work Location** - Approved work locations other than employees assigned on-site work location where official State business is performed. Such locations may include, but are not limited to, employees' residences and/or another office.
- **Workplace Violence** - An action (verbal, written, or physical aggression) which is intended to control or cause, or is capable of causing death or serious bodily injury to oneself or others or damage to property. Workplace violence includes abusive, intimidating, or harassing behavior or language toward authority, peers, coworkers, or any state employee. For this policy, an employee is considered to be in the workplace while utilizing the resources of the employer at state facilities, working on-site, using equipment, or vehicles, and while on work-related travel or at location where state business or sponsored activity is conducted including Alternative Work Locations.

4. Policy

- a. The State shall not tolerate any type of workplace violence committed by or against employees.
- b. Employees are prohibited from making threats or engaging in violent behavior or activities. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- aggressive or hostile behavior that creates an objective reasonable fear of injury to another person or subjects another individual to emotional distress;
 - intentionally damaging employer property or property of another employee;
 - hitting or shoving an individual with any part of one's body and/or an object;
 - threatening to harm an individual or their family, friends, associates, or property;
 - the intentional destruction or threat of destruction of property owned, operated, or controlled by the state;
 - making harassing or threatening telephone calls;
 - sending harassing or threatening e-mails, letters, or other forms of written or electronic communications or social media;
 - intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, or policy, that would affect the business interests of the state;
 - 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 their safety;
 - suggesting or otherwise conveying that an act to injure persons or property is "appropriate", without regard to the location where such suggestion occurs;
 - possession of a weapon while on employer property or while conducting employer business (unless specifically approved by the Cabinet Secretary/Agency Head as a job-related requirement);
 - committing acts of violence motivated by, or related to, race, age, color, national origin, religion, sexual orientation, sex, disability, marital status, sexual harassment, or domestic violence.
- c. Employees who witnessed or received threats, or were subject to potentially dangerous situations, shall be responsible for notifying their supervisor or Human Resources office and are to use the Agency's procedure under the [Standards of Conduct Policy](#).
- d. The State will actively intervene at any indication of a possibly hostile or violent situation.
- e. All incidents shall be investigated as soon as possible. Designated Personnel responsible for handling the investigations should remember to conduct the interviews with the individual(s) who was victimized in a respectful and empathetic manner by demonstrating compassion, patience, and understanding.
- f. At the discretion of the Cabinet Secretary or Agency Head, an employee exhibiting warning signs, symptoms, and/or risk factors, which indicate violence, may be ordered to submit to a psychological evaluation to determine the employee's fitness-for-duty.
- g. This policy encourages all state employees to be aware of the related issue of domestic violence and its impact on the workplace. Agency Human Resources personnel can direct employees to resources to either learn more about or receive services related to domestic violence. The State's Domestic Violence, Sexual Violence, and Stalking Policy can be found in Section 9 of this Policy.

- h. Any employee who is involved in the criminal justice process as a complainant/victim and is protected by a “no-contact order” shall notify their supervisor or Human Resources office of the particular circumstances of such a court protection order.
- i. For any employee who is the respondent in a civil protective proceeding, and/or the defendant/offender in a criminal “no-contact” proceeding, and where the complainant/victim is employed at the same job site, the employee who is the respondent and/or defendant/offender is responsible for providing to their supervisor or Human Resources office a copy of the criminal and/or civil order. Upon receipt of information as indicated above, agency management is to develop a compliance plan with the order to promote the safety of the employee and others at the job site.
- j. Agencies shall develop a crisis plan that is shared with agency employees so that they are knowledgeable in how to react in a crisis, including who is responsible for managing and responding to threats. This plan should provide for:
 - reporting incidents to local law enforcement authorities; securing work areas where the disturbances occurred;
 - maintaining the physical safety of employees and others remaining in the area as soon as possible;
 - arranging that no work area is left short-staffed while others assist the victim or help secure the area; and
 - quickly assessing the safety of the work area if it was disturbed or damaged during an incident.
- k. Violation of this policy may be grounds for discipline up to and including dismissal based on the standard applicable to the employee. Filing a false or malicious complaint is an abuse of this policy and shall also be treated as a violation of this policy.
- l. The State prohibits retaliation and will take prompt and effective action in response to alleged violations of this policy. No tangible hardship, loss, or penalty may be imposed on an employee in response to:
 - Filing or responding to a complaint of discrimination or harassment;
 - Appearing as a witness in the investigation of a complaint; or
 - Serving as an investigator of a complaint.
- m. Through enforcement of this policy and orientation of employees, the State seeks to prevent and address violence in the workplace.

5. Procedures

- a. Employees are required to inform their Human Resources representative or their supervisor if an employee exhibits behavior that could be a sign of a potentially dangerous situation. Such behavior may include:
 - discussing weapons or bringing them to the workplace;
 - displaying overt signs of extreme stress, resentment, hostility, or anger;
 - making threatening remarks;
 - sudden or significant deterioration of performance;

- displaying irrational or inappropriate behavior;
 - dropping hints about knowledge of firearms;
 - making intimidating statements like: “You know what happened at the Post Office,” “I’ll get even” or “You haven’t heard the last of me.”
 - physical signs of hard breathing, reddening of complexion, menacing stare, loudness, fast profane speech;
 - having a romantic obsession with a co-worker who does not share that interest;
 - intense anger or lack of empathy;
 - history of interpersonal conflict;
 - domestic problems, and/or unstable/dysfunctional family;
 - brooding, strange behavior, or “time bomb ready to go off.”
- b. Reports of alleged workplace violence shall be made in writing in accordance with the appropriate State policies.
- c. A supervisor who observes or has documentation of job performance or conduct issues that may be a possible violation of this policy is to consult the Department of Human Resources representative assigned to their agency for guidance and possible recommendation that the employee contact the State of Delaware’s [Employee Assistance Program](#) for counseling and support.
- d. Acts of aggression and violent behavior require immediate action. When an employee’s presence in the workplace would jeopardize others’ safety, security, or public confidence, the employee may be immediately removed from the workplace without loss of pay.
- e. Reports or incidents warranting confidentiality shall be handled appropriately, and information will be disclosed to others strictly on a need-to-know basis.
- f. Following an investigation, the investigator prepares a written report (Report) consisting of findings, conclusion, and recommendations. If it is determined that a violation of this policy has occurred, the investigator will work collaboratively with the agency management representative to determine appropriate corrective action. Corrective action may include, but is not limited to, mandatory referral to EAP, additional training, and disciplinary action up to and including termination.
- g. Agencies interested in developing a crisis plan may contact Capitol Police for assistance.

6. Exclusions or Exceptions

- a. The Legislative and Judicial Branches and Offices of Elected Officials are excluded but are encouraged to adopt this policy.
- b. If a complaint is filed against an employee in a law enforcement position whose classification is covered by the Law Enforcement Officers’ Bill of Rights (LEOBR), agencies are to follow LEOBR investigative and other procedures.

- c. The Delaware Department of Correction maintains a separate investigative process conducted by ranking Correctional Supervisors at each facility, which shall apply.
- d. The Delaware Department of Safety and Homeland Security, Division of State Police maintains an investigative process conducted by the Office of Professional Regulation for employees in the Division of State Police, which shall apply.
- e. The State is not required to provide training under this subsection to applicants, independent contractors, or employees employed for less than 6 months continuously.

7. Dissemination And Training

- a. This policy shall be distributed to all newly hired employees at the commencement of employment, and employees must acknowledge within 30 days.
- b. This policy requires employees to attend the designated Active Shooter training provided by the Delaware Learning Center (DLC) within 30 days of the start of their employment effective September 11, 2023. This policy shall be posted on the DHR website.

8. Data Reporting

All agencies are required to keep records of complaints alleging violation of this policy in accordance with the State's retention schedule.

9. Associated Policy/Regulations/Information

- [Domestic Violence, Sexual Violence, and Stalking Policy](#)
- [Employee Assistance Program \(EAP\)](#)
- [Respectful Workplace and Anti-Discrimination Policy](#)
- [Standards of Conduct Policy and Procedures](#)
- [State Active Shooter Prevention Policy Guidelines](#)
- [State Agency General Retention Schedule](#)

10. Appendices and Forms Associated with this Policy

N/A

11. Policy Owner

- Division Name: Division of Talent Management
- Policy Administrator: Director of the Division of Talent Management
- Website: [DHR - Talent Management \(delaware.gov\)](https://delaware.gov/dhr-talent-management)

This policy is not intended to create any individual right or cause of action not already existing and recognized under State or Federal law. If there is a conflict with, i.e., the law or regulation and this policy, the law and/or regulation govern.