

**Policy:** The Division is committed to working with its employees to provide and maintain a work environment free from violence, threats of violence, harassment, intimidation, and other unnecessarily disruptive behavior.

**Purpose:** To ensure optimally safe work and service delivery environments, and appropriate response to workplace violence, including threats.

**Procedures:**

### I. General Provisions

Workplace violence issues may arise from consumers, from random acts of outside individuals directed against the agency with or without apparent reason, from current or former employees, or from employees' personal relationships, such as a former spouse or a friend. The workplace includes any location where an employee performs work-related duties and can include, for example, parking lots, field locations, and consumer's homes.

Violence, threats, harassment, intimidation or other acts of aggression and disruptive behavior in the workplace will not be tolerated. All reports of incidents will be seriously evaluated, and intervention will be initiated in accordance with the Division's Workplace Violence Prevention Program (Attachment I) and guidelines provided by the Risk Management Division (Attachment II).

### II. Definitions

Acts of workplace violence include causing or threatening to cause bodily injury, or damage to the property of another person or substantial harm to the physical or mental health or safety of a person. Threats include expressing intentions that would cause a reasonable person to feel frightened, intimidated or harassed.

Examples of acts of workplace violence include but are not limited to: striking, shoving or kicking another person; intentional physical injury; intentional or reckless damage to another's property; intimidating or menacing behavior; abusive statements; threats to cause harm or damage; and reckless conduct that creates risk of serious injury.

### III. Employee Responsibilities

Each employee's participation is needed to implement this policy effectively and maintain a safe working environment. It is expected that all employees will consistently treat other employees and all other persons contacted in the course of performing their job duties with dignity and respect. If you observe or experience an act of workplace violence, it is your responsibility to immediately report the incident to your supervisor or manager or a designated agency representative. If you are experiencing threats of violence from a domestic partner or other non-work related relationship, you are encouraged to report this to your supervisor/manager or designated agency representative so a plan can be developed to minimize the risk to you and others during working hours.

IV. Agency Responsibilities

Supervisors/managers/agency representatives who receive reports of workplace violence must initiate appropriate action in response to the report, and ensure that the Workplace Violence Incident Report Form (Attachment III) is completed and forwarded to his/her supervisor. The agency director and division administrator are to receive copies no later than the next working day after the incident. If there is a direct and imminent threat of violence, a supervisor should call 911 or other appropriate law enforcement entity and, if appropriate, evacuate the work area. If a crisis situation arises, the highest agency official available at the time must be called into the situation to implement appropriate intervention. See Attachment II, Workplace Violence Prevention Program, for additional detail.

V. Response to Acts of Violence

If you are placed in a position of fear due to an act of aggression or violence, you should remain calm, remove yourself from the area (or excuse yourself from the phone call) as soon as possible and report the incident to the most accessible supervisory representative available.

If you have advance knowledge of an encounter with a potentially aggressive individual, such as a meeting, notify your supervisor in advance so that preventive measures can be planned.

VI. Consequences of Acts of Workplace Violence

An individual who commits an act of workplace violence may be subject to disciplinary action (if an employee), may be removed from the premises, and/or subject to criminal penalties.



Administrator

Effective Date: 4/18/03  
Revised Date: 6/28/07  
Approved by MHDS Commission: 4/18/03

ATTACHMENTS:

- I. Workplace Violence Prevention Program
- II. Guidelines for Responding to Employee Threats of Violence/Fitness for Duty Issues.
- III. Workplace Violence Incident Report
- IV. Sample - Employee Security Survey
- V. NRS References
- VI. DHHS Workplace Violence Prevention Poster

## ATTACHMENT I

### DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL SERVICES WORKPLACE VIOLENCE PREVENTION PROGRAM

The Division of Mental Health and Developmental Services is committed to working with its employees to provide and maintain a work environment free from violence, threats of violence, harassment, intimidation, and other unnecessarily disruptive behavior.

#### I. TERMS

##### **Acts of Workplace Violence**

Workplace violence issues may arise from clients or customers, random acts of outside individuals or groups directed against the agency with or without apparent reason, from current or former employees, or from employee's personal relationships such as a former spouse or partner, a relative or a friend.

Acts of workplace violence include causing or threatening to cause bodily injury, damage to the property of another person, or substantial harm to the physical or mental health or safety of a person. Threats include expressing intentions that would cause a reasonable person to feel frightened, intimidated or harassed.

Examples of acts of workplace violence include but are not limited to: striking, shoving or kicking another person; intentional physical injury; intentional or reckless damage to another's property; intimidating or menacing behavior; abusive statements; threats to cause harm or damage; and reckless conduct that creates risk of serious injury.

##### **Workplace**

The "workplace" is defined as any location, either permanent or temporary, where an employee performs any work-related duty. This includes but is not limited to the buildings and the surrounding perimeters and parking lots, field locations, and clients' homes or businesses. Workplace violence can also occur outside the workplace but while the employee is performing a job-related function.

##### **Agency Threat Assessment Team**

The agency threat assessment team consists of a group of individuals designated by the agency director, on a permanent or ad hoc basis, to assist in implementation of specific aspects of the agency's workplace violence prevention program. Individuals on the team may include members of the agency's safety committee.

## **II. RESPONSIBILITIES OF ALL STAFF**

It is expected that all employees will consistently treat other employees and all other persons contacted in the course of performing their job duties with dignity and respect.

See also sections III through VI below for specific duties of agency administrators, employees, supervisors, and the agency assessment team.

## **III. AGENCY ADMINISTRATOR'S RESPONSIBILITIES**

- A. Adopt and communicate the workplace violence prevention policy, and promote a work environment free from violence.
- B. Adopt or incorporate the Division's workplace violence prevention program into the agency's written safety program.
- C. Ensure implementation and support of the workplace violence prevention policy and program within their agency.
- D. In formulating the prevention and response aspects of the workplace violence prevention program, give special attention to positions which involve the following: exchange of money with the public; working alone or in small numbers; working late at night or early in the morning hours; working in a high crime area; guarding valuable property or possessions; working in a community or institutional setting.
- E. Appoint staff members to an agency assessment team.
- F. Take appropriate action to respond to reported incidents of workplace violence. Refer to Guidelines for Responding to Employee Threats of Workplace Violence prepared by the Risk Management Division (Attachment II). Note: The Risk Management Division indicates in this document that its guidelines are not binding, but represent options for consideration, since most situations are unique and require creative solutions. In cases where the Risk Management Division suggests placing an employee on administrative leave, please remember that this action requires the approval of the Division Administrator or Deputy Administrator. Reassignment may be a viable option in some cases, and should be considered first.

## **IV. EMPLOYEE'S RESPONSIBILITIES**

- A. Immediately report acts or threats of workplace violence he/she observes or experiences to his/her supervisor, manager, or designated agency representative.
- B. An employee who is experiencing threats of violence that may carry over into the workplace from a domestic partner or other non-work-related relationship is also encouraged to report this to his/her supervisor, manager, or designated agency representative so a plan of action to minimize risk to the employee and others during working hours may be developed.

- C. Notify his/her supervisor if he/she has prior knowledge of an encounter with a potentially aggressive individual expected to occur while in work status.

## **V. SUPERVISOR'S RESPONSIBILITIES**

- A. Work in concert with the agency administrator to promote a work environment free from violence.
- B. Initiate notification procedures to the agency administrator and document incidents as outlined in Section VII of this program.
- C. Take appropriate action to respond to reported incidents or threats of workplace violence. (See Guidelines for Responding to Employee Threats of Workplace Violence prepared by the Risk Management Division, Attachment II).

## **VI. AGENCY ASSESSMENT TEAM'S RESPONSIBILITIES**

- A. Participate in assessment and prevention activities as outlined in Section VIII of this program.
- B. Recommend actions to the agency administrator to reduce the agency's vulnerability to acts of workplace violence or, in response to acts of workplace violence, recommend actions to prevent similar incidents from occurring.
- C. Participate in investigations of acts or threats of workplace violence, as requested by the agency or division administrator.
- D. Assist in determining an appropriate course of action in response to an act or threat of workplace violence, as requested by agency administrator.

## **VII. INCIDENT REPORTING AND INVESTIGATION**

An employee who observes or experiences an act or threat of workplace violence must report it to his/her supervisor, manager or designated agency representative immediately. The person who receives the report must initiate appropriate action to respond to the incident and must report the incident to his/her next higher supervisor/manager. The supervisor/manager, in turn, must notify the agency director or his/her delegate. The agency director or delegate must notify the Division Administrator or delegate.

As noted in the Guidelines for Responding to Employee Threats of Workplace Violence (Attachment II), if there is a direct and imminent threat of violence, call 9-911 or the appropriate law enforcement entity and, if appropriate, evacuate the work area. If a crisis situation arises, the highest agency official available at the time must be called into the situation to implement appropriate intervention.

As warranted by the incident, the agency administrator or his/her designee is responsible for reporting the incident to the Capitol Police or the local law enforcement agency, if they have not been called, and for providing written documentation of the incident. The law enforcement

agency will conduct further investigation and coordination with other agencies as necessary.

The agency administrator or his/her designee is responsible for contacting the Attorney General's Office or the Risk Management Division if their assistance is required. If the incident occurs in a state building for which Capitol Police provides security, they are the responsible agency for further investigation and coordination with a local law enforcement agency, the Attorney General's Office and the Risk Management Division. The Attorney General's Office is responsible for investigating and prosecuting criminal offenses committed by state employees in the course of their duties or arising out of circumstances related to their positions (see Attachment V, NRS References).

A workplace violence incident report (Attachment III) must be completed by the supervisor/manager or agency designee for each incident reported to him/her and must be submitted to the division administrator no later than the next working day after the incident was reported. Statements from witnesses should be collected. The division administrator or delegate is to arrange an investigation. A copy of the incident report must be submitted by the division administrator to the Risk Management Division and to the division Personnel Officer within 5 working days after receipt of the report. Incidents involving employees or clients will be handled in accordance with applicable laws, policies and procedures which may preclude dissemination of confidential information to the Risk Management Division.

## **VIII. ASSESSMENT AND PREVENTION ACTIVITIES**

The agency threat assessment team, appointed by the agency administrator, assists in the assessment of the vulnerability of the agency and its offices to workplace violence, recommends preventive actions and identifies training needs.

Activities to assess vulnerability to workplace violence should typically include the following:

- Review previous acts of workplace violence within the agency.

- Review and analyze existing records (e.g., past incident reports, worker's compensation records, accident investigations, safety committee meeting minutes) to identify patterns that may indicate the causes and severity of incidents.

- Inspect the workplace and review the work tasks of employees to identify conditions, facility layout, operational procedures, and other factors which may place employees at risk for acts of workplace violence.

- Conduct post-incident reviews and discuss the causes of acts of workplace violence.

NOTE: A Hazard Identification and Control Checklist for use by the Threat Assessment Team is available on Risk Management's website ([www.risk.state.nv.us](http://www.risk.state.nv.us)).

In addition, the team must survey employees, at least biennially, to identify the potential for acts of workplace violence and identify security measures which are in place (Sample Employee Security Survey - Attachment IV).

Based on the activities conducted, the agency assessment team will prepare written recommendations and provide those recommendations to the agency administrator for consideration.

## **IX. TRAINING AND COMMUNICATION**

At the time of appointment, each employee must be provided with a copy of the division's workplace violence prevention policy (#5.029). Agencies may also include a poster (Attachment VI) on their office bulletin boards which summarizes policy provisions, including the persons to whom the employee can report acts of workplace violence.

The Risk Management Division of the Department of Administration offers periodic training classes regarding workplace violence prevention. A schedule of these classes is available on the Risk Management Division's website. All supervisory personnel should be scheduled to attend training on this topic.

Training regarding the division's specific policies and procedures and training regarding the use of security hardware, if applicable, should be provided to each employee. This may include initial orientation, periodic refresher training, on-the-job training, or formal training provided or coordinated by a safety coordinator, safety committee or training coordinator. Specialized training may be appropriate for employees in positions that place them at a higher risk for acts of workplace violence.

## **X. FITNESS FOR DUTY EVALUATION**

If a supervisor/manager determines that an employee may have a medical or psychological condition that could result in a direct physical threat or other liability to him- or herself, a co-worker or the public, the Risk Management Division can coordinate a fitness for duty evaluation in accordance with Section 0521(8) of the State Administrative Manual. Notification must be made by the supervisor/manager to the agency administrator or designee and to the Division Personnel Officer of the reasons for the request. The agency personnel representative will make the necessary arrangements with the Risk Management Division. Procedures related to requesting a fitness for duty examination include providing a detailed explanation of the facts and circumstances precipitating the request and copies of documents that support the request.

## **XI. PROGRAM ASSISTANCE/AUDIT**

The Risk Management Division is available to review and assist with the development of the workplace violence prevention program. Sample forms to use in program development are available at their website ([www.risk.state.nv.us](http://www.risk.state.nv.us)). The Risk Management Division will periodically audit division/agency programs.

**ATTACHMENT II**  
State of Nevada  
Guidelines for Responding to Employee Threats of Workplace  
Violence/Fitness for Duty Issues  
Revised August 2001

Prepared by the Risk Management Division  
**"IMMEDIATE INTERVENTION"**

**Direct and Imminent Threat of Violence-DO ALL OF THE FOLLOWING:**

(Employee or other person states he/she is on the way to commit an act of violence or indicates that he/she is going to get the means to commit the act and will be back.)

- ◆ Call 9-911 or other appropriate Law Enforcement Entity
- ◆ Notify affected employees-give option to go home on personal leave
- ◆ If appropriate, evacuate work area and send employees home on administrative leave
- ◆ If possible, inform the offending employee that they are being placed on administrative leave and are prohibited from returning to the worksite until further notice
- ◆ Contact the Investigations Division from the Attorney General's Office to report the event
- ◆ Assemble a threat assessment team including the appropriate representative from Administration, Personnel, Employee Assistance Program, Attorney General's Office and Risk Management to determine the best course of action.

**Direct Threat without Imminent Event**

(Employee states that he/she intends to commit an act of violence-one of these days)

- ◆ Place the employee on administrative leave (or in some cases sick leave) pending an investigation
- ◆ Notify the employee, verbally and in writing, that they are prohibited from coming to the worksite or other identified State property without prior approval and coordination with a designated agency representative
- ◆ Contact the Attorney General's Office to initiate a criminal investigation
- ◆ Assemble a Threat Assessment Team, as noted above, to determine the best course of action

**Indirect Threats, Stalking, Harassment, Bullying, Intimidation**

- ◆ Confront and counsel the employee and state that the behavior must stop
- ◆ Make a formal referral to the EAP Services
- ◆ If the employee refuses to go to EAP Referral and/or the behavior does not cease, implement progressive disciplinary procedures **-OR-**
- ◆ Determine if conflict resolution needs to occur among employees to diffuse the situation **-OR-**
- ◆ If there are indications of a possible medical or psychological illness, either coordinate a "Fitness for Duty Exam" or direct the employee to obtain a work release from a personal physician and /or psychologist. Provide the employee with written instructions to have the physician review a letter that outlines the reasons for concerns and request the physician

to make a statement in regard to fitness for duty. Provide a copy of the employee's job description -OR-

- ◆ If other employees are expressing concern for their safety or are indicating that they feel they are working in a hostile environment, the urgency of the follow-up must be escalated
- ◆ If appropriate, assemble Threat Assessment Team to determine best course of action

### **Bizarre, Inappropriate or Unsafe Behavior**

- ◆ Confront and counsel the employee-give the employee an opportunity to explain reasons for the behavior
- ◆ Make a formal referral to EAP Services
- ◆ If the behavior does not improve and/or the employee refuses to utilize the EAP Services, consider following the guidelines for the Alcohol and Drug Testing Program and/or implement progressive disciplinary actions
- ◆ If appropriate, place the employee on sick leave and require him/her to obtain a release from personal physician. Provide the employee with written instructions to have the physician review a letter that outlines the reasons for concerns and request the physician to make a statement in regard to fitness for duty. Provide a copy of the employee's job description.
- ◆ Require a 2<sup>nd</sup> opinion, if necessary -OR-
- ◆ Coordinate a "Fitness for Duty" Exam
- ◆ If appropriate, assemble a Threat Assessment Team to determine the best course of action

Most circumstances are unique and will require creative solutions to best fit the situation. These are only guidelines and options for consideration. It is often best to seek the consensus of a threat assessment team either within your agency or as coordinated through Risk Management if the situation does not improve or other employees are expressing concern for their safety.

#### **Contacts:**

**Attorney General's Office- Investigations Division**  
**Capitol Police - Chief**  
**Employee Assistance Program**

**(775) 684-1152**  
**(775) 684-4542**  
**(775) 687-3869**  
**1-800 398-3271 or**  
**(702) 486-2929 or**  
**1-800 278-1889**  
**(775) 687-3187**  
**Contact the Risk**  
**Management Division**

**Risk Management Division**  
**Critical Incident Stress De-Briefing**

**Guidelines for Responding to Threats of Workplace Violence/Fitness for Duty Issues  
 "IMMEDIATE INTERVENTION"**

Is the act a "Direct and Imminent Threat of Violence" (e.g. The person states they are on the way to commit an act of violence or they are going to get the means to commit an act and will be back).

**YES**

**Call 9-911 or other appropriate police entity**

**Notify affected employees – Give option to go home**

**If Appropriate – Evacuate work area – Place employees on Admin Leave**

**If possible, inform the offending person that they are prohibited from entering the workplace (If employee, place on Admin Leave)**

**Contact the Investigation Division of the Attorney General's Office**

**Assemble Threat Assessment Team**

**NO**

Is the act a "Direct Threat without Imminent Event" (e.g. They state that one of these days I plan to...)

**YES**

**Place Employee on Admin Leave (Sick Leave, if appropriate), pending investigation.**

**Confront and counsel the employee**

- ◆ Give the employee an opportunity to explain reasons for behavior.
- ◆ State that the behavior must stop

**Make formal referral to EAP**

**IS THIS???**

An indirect threat, stalking, harassment, bullying, or intimidation?

**OR**

Bizarre, inappropriate, or unsafe behavior?

1. If behavior does not improve or employee refuses to utilize EAP, implement progressive discipline, or;
2. Determine if conflict resolution needs to occur among employees to diffuse the situation, or;
3. If there is indications of a possible medical or psychological illness use "Bizarre, Inappropriate or Unsafe Behavior" Protocol, or;
4. If other employees are expressing concern for their safety or feel they are working in a hostile environment, the urgency of follow-up must be escalated, or;
5. If appropriate, assemble Threat Assessment Team

1. If behavior does not improve or employee refuses to utilize EAP, consider using Drug/Alcohol Testing guidelines and/or progressive discipline, or;
2. If appropriate, place employee on sick leave and require them to obtain a release from personal physician. Provide the employee with written instructions to have the physician review reasons for concern/ request statement regarding fitness for duty. Provide job description., or;
3. Require 2<sup>nd</sup> opinion, if necessary, or;
4. Coordinate "Fitness for Duty" exam, or;
5. If appropriate, assemble Threat Assessment Team

**NO**

Is this an indirect threat (e.g. stalking, harassment, bullying, and intimidation) or bizarre, inappropriate or unsafe behavior?

**YES**

**NO**

**No action necessary or try flow-chart again**

**ATTACHMENT III**  
**WORKPLACE VIOLENCE**  
**INCIDENT REPORT**

DIVISION/AGENCY: \_\_\_\_\_ TODAY'S DATE: \_\_\_\_\_

ADDRESS/LOCATION WHERE INCIDENT OCCURRED:

\_\_\_\_\_  
*Office*                                      *Street Address*                                      *City, State*

NAME/TITLE/PHONE NO. OF PERSON WHO REPORTED THE INCIDENT TO YOU:

\_\_\_\_\_  
*Name*                                      *Title*                                      *Telephone No.*

DATE AND TIME OF INCIDENT: \_\_\_\_\_ A.M./P.M.  
*Date & Day of Week*                      *Time*

PERSON(S) WHO ENGAGED IN ACT OF WORKPLACE VIOLENCE:

\_\_\_\_\_  
*Name(s)*                                      *Title(s)*

PERSON(S) THE VIOLENCE WAS DIRECTED TOWARDS:

\_\_\_\_\_  
*Name(s)*                                      *Title(s)*

WAS THE PERSON INJURED? *(If so, describe)*

DESCRIBE THE INCIDENT *(Detail what happened, actions, words that were used, weapon used etc.):*

WHAT PRECIPITATED THE INCIDENT?

HOW DID INCIDENT CONCLUDE? *(Incident defused, person escorted off premises, etc.)*

OTHER PERSON(S) WHO WITNESSED THE INCIDENT:

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*Name(s)*

*Title(s)*

HAS NOTIFICATION BEEN MADE TO ANOTHER ENTITY? *(Capitol Police, Law Enforcement, Attorney General's Investigation Division, etc.)*

*IF YES, TO WHOM WAS IT REPORTED AND WHEN?*

*ACTION BEING TAKEN BY ENTITY:*

OTHER PERTINENT INFORMATION:

RECOMMENDATIONS OF HOW SIMILAR INCIDENTS COULD POSSIBLY BE AVOIDED IN THE FUTURE:

NAME/TITLE/PHONE NO. OF PERSON COMPLETING THE REPORT FORM:

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*Name*

*Title*

*Telephone No.*

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*Signature*

*Date*

***Provide copy of incident report to the division administrator or person designated by the administrator to serve in his/her stead no later than the next working day after the incident is reported.***

***Supervisor/manager should follow-up for witnesses' statements, as appropriate.***



4. Are there any areas/worksites where a violence-related incident would most likely occur? Please specify (*entrance, parking lot, private office, bathroom, field location, etc.*).

5. Do you know what to do if you observe or experience an act of workplace violence?

6. What security measures are in place at your office location?

Have you received training on how to use/access/implement these measures?

7. Have you received training or assistance of any kind related to prevention of workplace violence?

8. Other comments.

**ATTACHMENT V**  
**NRS REFERENCES**

<b>NRS 33.200 - 33.360</b>	Orders for Protection Against Harassment in Workplace
<b>NRS 199.300</b>	Intimidating public officer, public employee, juror, referee, arbitrator, appraiser, assessor or similar person.
<b>NRS 200.571</b>	Harassment: Definition; penalties
<b>NRS 200.575</b>	Stalking: Definitions; penalties
<b>NRS 201.255</b>	Penalties. Obscene, Threatening or Annoying Telephone Calls.
<b>NRS 202.840</b>	Bomb threats prohibited; penalties.
<b>NRS 203.119</b>	Commission of act in public building or area interfering with peaceful conduct of activities.
<b>NRS 207.180</b>	Threatening or obscene letters or writings.

Attachment VI

# **HELP PREVENT WORKPLACE VIOLENCE**



## **THE STATE OF NEVADA**

is committed to working with its employees to provide and maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Acts of workplace violence include incidents such as:

- Causing intentional physical injury
- Striking, kicking or shoving
- Intentional or reckless damage to another's property
- Menacing behavior
- Threats to cause harm or damage that would cause a reasonable person to feel frightened, intimidated or harassed.

An employee who engages in an act of workplace violence is subject to disciplinary action.

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**If you experience or witness an act of workplace violence, immediately report the incident to your supervisor or manager or to:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Phone Number

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**If you need assistance to control anger or other behaviors, you may contact the State of Nevada Employee Assistance Program (EAP) for information or to schedule a consultation at the following numbers:**

<b>Northern Nevada:</b> (775) 687-3869 (800) 398-3271 (Rural Areas)	<b>Southern Nevada:</b> (702) 486-2929 (800) 278-1889 (Rural Areas)
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**EAP services are confidential, free, and available to any State employee or family member living with the employee.**