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OFFICE OF THE ATTORNEY GENERAL

ZERO TOLERANCE OF WORKPLACE VIOLENCE

POLICY AND PLAN

INTRODUCTION

In 1992, the Minnesota Legislature adopted the following:

Freedom from Violence

The State of Minnesota hereby adopts a policy of zero tolerance of violence. It is state policy that every person in the state has a right to live free from violence.

Act of April 10, 1992, ch. 452, 1992 Minn. Laws (codified at Minn. Stat. § 1.5).

In furtherance of this policy, Minn. Stat. § 15.86 mandates that each agency of state government adopt a goal of zero tolerance of violence in, and around, the workplace. Each agency is also encouraged to develop a plan that describes how the agency will (1) seek to eliminate any potential for violence in and around the agency workplace; and (2) seek to eliminate any potential for violence by affecting the attitudes and behavior of the people that the agency serves or regulates.

AGENCY GOAL

It is the goal of the Office of the Attorney General to achieve a work environment which is free from threat and acts of violence. The Office will not tolerate workplace violence of any type, from any source. This includes threatening or violent actions by employees directed against other employees, by employees directed against agency clients or other workplace visitors, and by agency clients or visitors directed against AGO employees.

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AGENCY POLICY

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It is the policy of the Office of the Attorney General and the responsibility of its managers and all of its employees to maintain a workplace free from threats and acts of violence. The AGO will work to provide a safe workplace for employees, and for visitors to the workplace. Each employee, and everyone with whom we come into contact in our work, deserves to be treated with courtesy and respect.

The AGO's policy on work-related violence includes:

- * The AGO will actively work to prevent and eliminate acts of work-related violence.
- * The AGO will respond promptly, positively, and aggressively to deal with threats or acts of violence. This response will include timely involvement of law enforcement agencies, when appropriate.
- * The AGO policy prohibits possession of firearms, except as authorized by the AGO for designated staff, and other dangerous weapons in the workplace.
- * Incidents of work-related threats or acts of violence will be treated seriously by the AGO. Reports of such acts will be promptly investigated, and management will take action, as necessary, to appropriately address each incident.
- * The AGO will take strong disciplinary action, up to and including discharge from employment, against employees who are involved in the commission of work-related threats or acts of violence.
- * The AGO will support criminal prosecution of those who threaten or commit work-related violence against its employees, or against clients and other visitors to its work environment.
- * Pursuant to Minn. Stat. § 15.86, this policy does not create any civil liability on the part of the State of Minnesota.

PLAN FOR IMPLEMENTING ZERO TOLERANCE OF VIOLENCE IN THE WORKPLACE

1. The AGO Will Provide A Safe Workplace.

The Office of the Attorney General is committed to ensuring that the workplace provides for the safety of employees and guests, and for reasonable protection from workplace violence.

- * A "Facility Protection Plan" will be prepared for each location occupied by the AGO. The Plan will address physical security requirements of each facility, and will include procedures for appropriate response to threats and acts of violence.

2. The AGO Will Attempt to Reduce the Potential for Internal Workplace Violence By Positively Affecting the Attitudes and the Behavior of its Employees.

- * **Creating a low-risk work environment:** AGO managers are expected to promote positive behavior, and to lead by example, by treating employees with the respect and dignity each person deserves. Emphasis will be placed on creating a workplace where established standards of conduct are clear, are communicated, and are consistently enforced, and where discipline is used fairly and appropriately to deal with instances of unacceptable behavior.
- * **Manager Training:** AGO managers will be provided with training on how to deal with workplace-related threats and acts of violence. This training will focus on prevention and de-escalation of violence, will include suggestions for appropriate responses to threats and acts of violence, and will identify those resources which are available for use once a potential problem has been identified, or an incident has occurred.
- * **Employee Training:** Training programs will be developed and presented as appropriate.
- * **Employee Counseling and Assistance:** The AGO will encourage use of the Employee Assistance Program (EAP). The EAP is primarily an assessment, short-term counseling referral agency. While managers, union representatives, or family members may encourage employees to seek help from the EAP, the decision to use the services must be a voluntary one. Employees may also choose to seek assistance from private health services to deal with pressures, stress, emotional problems, or other personal issues which could, if ignored, lead to threats or acts of violence.

- * **Self-help:** Informational brochures and other media will be used to make all employees familiar with the services offered by the EAP, and by the AGO's Health and Wellness Coordinator, and will provide information on how to take advantage of those services. Information will also be provided about other options for the resolution of personal and work-related problems which may have a potential for escalating to a violent incident. Employees will be encouraged to utilize all available resources.
- * **Valuing and Respecting Diversity:** It is the AGO's policy and practice to value and respect individual differences among people. Harassment of any person in the workplace is strictly prohibited. The AGO has Diversity Policy and Procedures to address complaints of harassment and discrimination.

3. **The AGO Will Address Threats of Violence and Actual Incidents of Violence.**

Management Responsibilities: AGO managers have primary responsibilities for ensuring a safe work environment. Managers are specifically empowered to take immediate action to resolve or stabilize violent situations in the workplace, and to protect people from harm. Managers will ensure that, when a threat is made or a violent incident occurs, appropriate incident response resources are notified immediately. Managers will assist in ensuring that appropriate disciplinary responses to internal workplace violence and aggression are made.

Incident Response Coordinator (IRC): The AGO will appoint an "Incident Response Coordinator" (IRC) who will be responsible for coordinating responses to violent or threatening situations in the workplace. The IRC will:

- a) Assist in the development of applicable training programs;
- b) Serve as a resource referral agent and information source for managers, and others, with regard to workplace violence concerns;
- c) Respond, as needed, to incidents involving threats or acts of workplace-related violence. While each situation will be unique, this will often require that the IRC:
 - perform situation assessments and evaluations;
 - assist with attempts to de-escalate / properly manage potentially violent situations, when possible to do so;
 - facilitate and coordinate response actions of appropriate resources, both internal and external; and,

- ensure that appropriate follow-up action is taken (investigation, victim assistance, preventative, and corrective actions, etc).

The IRC will carry out these responsibilities with the assistance of appropriate department, state and local government resources.

4. The AGO Will Work to Eliminate Dangerous Weapons from the Workplace.

Dangerous Weapon Prohibition: The possession of any dangerous weapon, including any firearm, in any AGO workplace by any person other than a person authorized pursuant to the AGO Firearms Policy, is strictly prohibited. AGO personnel are prohibited from possessing any dangerous weapon, including any firearm, while on official duty, unless specifically authorized by the AGO and appropriate licensing authorities to carry a weapon while on official duty.

See Appendix A for a list of dangerous weapons included in this prohibition, and Appendix B, AGO Firearms Policy.

PLAN IMPLEMENTATION

Copies of this policy and plan will be distributed to all employees and posted on appropriate employee bulletin boards. Managers are responsible for informing employees of this policy, and for enforcing compliance with it. This policy will be discussed at new employee orientation; all new employees will be provided with a copy of this policy.

The AGO will continue to provide information about the services available through the Employee Assistance Program, and the Health and Wellness Program, to help employees deal with concerns and issues related to workplace or family violence. Training needs will be assessed, and training sessions will be developed and presented. The AGO will work to further advance this plan, and will identify and address specific action items.

The Incident Response Coordinator, in coordination with the Chief Deputy Attorney General, has responsibility for coordinating the AGO's response to workplace-related threats and acts of violence. Managers have primary responsibility for ensuring a safe workplace, for monitoring and resolution of employee conflicts or disputes, for taking appropriate corrective action when potentially violent situations develop, and for working with the Incident Response Coordinator when threats or acts of violence do occur.

ZERO TOLERANCE OF WORKPLACE VIOLENCE POLICY AND PLAN

APPENDIX A

DANGEROUS WEAPONS

For the purposes of this Policy and Plan, the following items are considered to be “dangerous weapons”:

- any weapon which, per applicable law, is illegal to possess;
- any firearm, loaded or unloaded, assembled or disassembled, including pellet, “BB” and stun guns (electronic incapacitation devices);
- replicate firearms, as defined in Minn. Stat. § 609.713;
- knives (and other similar instruments) with a blade length of more than three inches, other than those present in the workplace for the specific purpose of food preparation and service;
- any “switchblade” knife;
- “brass knuckles”, “metal knuckles”, and similar weapons;
- bows, cross-bows and arrows
- explosives and explosive devices, including fireworks and incendiary devices;
- “throwing stars”, “numchucks”, clubs, saps, and any other item commonly used as, or primarily intended for use as, a weapon;
- any object that has been modified to serve as, or has been employed as, a dangerous weapon; and
- any other item so designated by the AGO.

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APPENDIX B

FIREARMS

1. Requesting Permission

Staff members shall not carry firearms in the ordinary course of employment. Even when firearms are permitted to be carried on one's person as authorized below, that authorization shall be limited to the one specific situation for which it was requested. A new request must be made for each separate situation for which the person desiring to carry the weapon believes it is necessary.

Only staff members qualified as set forth in paragraph 3 hereof, and who have secured the written authorization of the Manager or Unit Chief heading the employee's division, with the concurrence of the Deputy heading the employee's section, shall be permitted to carry firearms.

2. Need for Firearm

Authorization to carry a firearm will be granted to a staff member only when there is a specific reasonable basis to believe that the staff member's work assignment presents a significant personal safety hazard to the staff member. If the authorization is given, a staff member may arm himself or herself with his or her own firearm only for such period of time and in the setting that such personal hazard exists.

To limit the number of times when such authorization is granted, investigators are encouraged whenever possible to ask for help from as many licensed peace officers as is necessary. For example, when conducting a search warrant under dangerous circumstances, investigators should ask for more than one uniformed officer and then forego arming themselves.

3. Permits and Training

No staff member shall be authorized to carry a weapon under any circumstances unless he or she is a licensed peace officer or maintains current permits and qualifications under Minn. Stat. § 624.714. Additionally, these requirements must be met:

- A. Staff members who are permitted to carry a firearm shall qualify semi-annually with their firearm and will furnish signed documentation by a certified firearms instructor that he or she passed the certification requirements.
- B. Staff members will carry a firearm that is consistent with the style and type most commonly used by current Minnesota police and sheriff agencies.

- C. Before being authorized to carry a firearm, staff members must complete peace officer “use of force” training. They must also receive annual updates on “use of force” training. Part of the “use of force” training could be satisfied during firearms qualification. This training shall include, but not be limited to, the following:

1. Use of Force
2. Authorized Use of Force
3. Liabilities Associated with Use of Force
4. Readiness Aspects of Use of Force
5. Principles of Firearms Usage
6. Use of Firearms in Law Light and in Adverse Conditions
7. Storage of Firearms
8. The Legal Differences Between Peace Officer Use of Force and Citizen Use of Force.

4. **Use of Firearm**

Use of a firearm or application of deadly force by staff members is governed by Minn. Stat. § 609.065 which pertains to private citizens. Section 609.065 provides that deadly force may be used only “when necessary in resisting or preventing an offense which the actor reasonably believes exposes the actor or another to great bodily harm or death. . . .”

5. **Concealment of Firearm**

If a staff member is armed in accordance with the procedures set forth in this policy, he or she shall keep such firearm concealed at all times from any member of the public except when it is used as authorized under the provisions of paragraph 4 above. While the staff member is wearing a firearm he or she shall also have his or her badge either displayed or readily accessible for purposes of identification.

6. **Storage of Firearms**

Staff members shall not generally store their firearms upon the premises of the Attorney General’s Office. Even when staff members have received specific authorization to carry a firearm, they shall not visibly carry the firearm in the workplace, and they shall carry their firearm home with them each night. During the period of a specific authorization to carry, however, staff members may temporarily keep the firearm in a locked, secure place at work.

7. **Disclosing Use of Firearm**

If a staff member has drawn, used, or fired his or her firearm outside of a firearms range, he or she shall report such occurrence in writing to the section deputy at the earliest possible time, but within 24 hours.

8. **Violation of the Policy**

Violation of this policy may be grounds for revocation of permission to carry a firearm, and employment sanctions, including termination.

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