



# DEPARTMENT OF TRANSPORTATION POLICY/PROCEDURE

Policy No. 922

Supersedes: 922  
Dated: 5/20/19

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<b>VIOLENCE OR THREATS OF VIOLENCE IN THE WORKPLACE</b>	Effective Date:  July 22, 2019	Commissioner Approval: Signature on file Sponsor Amalia P. McShane, Inspector General Signature on file Contact Telephone #: (609) 963-1958
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## **I. PURPOSE AND SCOPE**

To set forth the New Jersey Department of Transportation’s Workplace Violence Policy and procedures concerning violence in the workplace pursuant to Executive Order 49 (1996). New Jersey State employees have a right to work in a safe and secure environment.

## **II. POLICY STATEMENT**

The New Jersey Department of Transportation Workplace Violence Policy is committed to promoting a safe environment for employees, clients, customers and visitors and to work with employees to maintain a work atmosphere that is free from violence, harassment, intimidation, and other disruptive behavior. The New Jersey Department of Transportation has a zero tolerance for such behavior in the workplace. Employees at all levels are encouraged to report threatening or intimidating behavior to the appropriate authorities in and outside the New Jersey Department of Transportation, which, in turn, will be promptly investigated and if substantiated, remedied with appropriate administrative or disciplinary action.

## **III. DEFINITIONS (REFER TO SECTION IX FOR NJDOT-SPECIFIC DEFINITIONS)**

Workplace - may be any location, either permanent or temporary, where an employee performs any work-related duty (any field location, any off-site business-related social function, or any facility where state business is conducted). More specifically, a workplace includes, but is not limited to, office buildings and surrounding perimeters, including parking lots, field locations, and worksites, as well as traveling to and from work assignments.

Workplace Violence - is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the workplace. It ranges from threats and verbal abuse to physical assaults and even homicide. It can involve employees, customers, visitors and the general public.

The following acts are considered situations involving workplace violence:

- a. Violent acts by anyone who has no other connection with the workplace but enters with the intent to commit any crime or act of violence.
- b. Violence directed at employees by customers, or any others to whom an organization provides services.
- c. Violence by an employee against customers, or any others to whom an organization provides services.
- d. Violence against co-workers, supervisors, or managers by a present or former employee.

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- e. Violence committed in the workplace by someone who does not work there, but has a personal relationship with an employee (for example, this can be an abusive spouse or domestic partner).

Threats or Threatening Behavior - is an overt expression, verbal or nonverbal, of an intent to cause physical or mental harm. It is intended to instill fear in the recipient thereof. An expression constitutes a threat without regard to whether the party communicating it has the present ability to carry out the threat or without regard as to whether the expression of harm is one of an immediate or future nature.

Harassment or Intimidation - is threats or other conduct, which in any way, create a hostile environment; impair agency or department operations; or frighten, alarm or inhibit others. Psychological intimidation or harassment includes making statements which are false, malicious, disparaging, derogatory, rude, disrespectful, abusive, obnoxious, insubordinate, or which have the intent to hurt others' reputations. Physical intimidation or harassment may include holding, impeding or blocking movement, following, stalking, touching, or any other inappropriate physical contact or advances.

Note: Harassment or intimidation based on an individual's protected class are also covered by the New Jersey State Policy Prohibiting Discrimination in the Workplace and should therefore be reported to the Department's EEO Officer.

Stalking - is a malicious course of conduct that includes approaching or pursuing another person with intent to place that person in reasonable fear of serious bodily injury or death to him/herself or to a third party.

Physical Assault - is the act of inflicting physical harm or unwanted or hostile physical contact of a non-sexual or sexual nature, including but not limited to, hitting, fighting, pushing, shoving or throwing objects.

Note: Physical assault of a sexual nature such as sexual assault or rape are also covered by the New Jersey State Policy Prohibiting Discrimination in the Workplace and should therefore be reported to the agency or department's EEO Officer. Such conduct should also be reported to the appropriate law enforcement.

Property Damage - is damage to property which includes property owned or utilized by the State, its employees, clients and visitors.

Weapon - shall mean any instrument which will cause bodily harm, physical damage, or death when used in the ordinary and usual manner contemplated by its design and construction and includes, but is not limited to: firearms, clubs, knives, stun guns, brass knuckles and martial arts weapons. See N.J.S.A. 2C:39-1.r.

Employee Advisory Service - provides professional referral services and counseling to state employees and their dependents who are dealing with personal, family or work-related issues

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that may be adversely impacting work performance including situations involving workplace violence.

#### IV. PROHIBITED ACTIONS

Prohibited behaviors that are considered “acts or threats of violence” under this policy include, but are not limited to, the following:

- A. Disruptive or aggressive behavior intended to disturb, frighten, interfere or prevent normal work activities (such as yelling at others, use of abusive language, shaking fists at another person, punching a wall).
- B. Any type of physical contact to cause harm (hitting, shoving, slapping, punching or other physical attack).
- C. Threatening to harm an individual or his/her family, friends, or property. This includes direct or indirect threats such as sending threatening letters, threatening phone calls or threatening emails.
- D. Conduct that includes repeated verbal abuse and intimidation, profanity, or unwanted sexual comments, advances or physical contact. It should be noted that allegations of unwelcome or unwanted sexual comments, advances, or physical contact are covered under the New Jersey State Policy Prohibiting Discrimination in the Workplace and should be reported to the EEO Officer, and when necessary, referral to appropriate law enforcement as it may also subject the aggressor to criminal charges.
- E. Breaking or throwing objects.
- F. Making harassing or threatening telephone calls, or sending harassing or threatening written or electronic communications.
- G. Intimidating or attempting to coerce an employee to do wrongful acts.
- H. Concealing or using a weapon.

#### **Other Forms of Violence**

1. ***Bullying*** is a form of repeated aggressive, humiliating, and intimidating behavior over time to intentionally hurt another person, physically or mentally. Bullying is characterized by an individual behaving in a certain way to gain power over another person. Examples of this behavior include but are not limited to outbursts of anger, using derogatory names, withholding necessary work information, spreading rumors, or ridiculing someone in front of another. Like any other disruptive or violent behavior, conduct that undermines an employee’s right to dignity at work is a violation of this policy.
2. ***Obsession/Stalking*** is another form of workplace violence which occurs when an individual repeatedly seeks to establish a personal relationship with another, contrary to the wishes of the victim. The offender simply refuses to stop the escalating attempts to maintain attachment with the victim, even when the victim tries to set limits or end the attachment. Obsessed individuals have been known to be a threat to the safety of

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the individual with whom they are obsessed. Employees are encouraged to seek assistance from their supervisor and the Division of Human Resources if they believe that someone has an obsessive attachment, or they are being stalked.

3. **Domestic Violence** is a pattern of abusive and controlling behaviors used by one person in an intimate relationship over another to gain power and control. This may include verbal, emotional and physical abuse. Employees who are victims of domestic violence are strongly encouraged to seek assistance. The Employee Advisory Service is available to help at 1-866-EAS-9133.

Victims of domestic violence, or other personal problems, who believe that violence may extend to the workplace are encouraged to notify their supervisor and the Division of Human Resources. The New Jersey Department of Transportation understands the sensitivity of the requested information and will maintain confidentiality, to the extent possible, to respect the employee’s privacy. In accordance with N.J.S.A. 11A:2-6a, Human Resources Officers shall follow the Uniform Domestic Violence Policy issued by the Civil Service Commission.

## V. POLICY PROVISIONS

The New Jersey Department of Transportation will not tolerate any behavior of any employee, customer, contractor, vendor or any other person that reasonably poses a threat to the safety and security of, or that harms any New Jersey Department of Transportation employee or New Jersey Department of Transportation property. In furtherance of this policy, all employees, including directors, managers and supervisors, have a responsibility to adhere to work practices designed to make the workplace more safe and secure. All employees, including directors, managers and supervisors, are responsible for using safe work practices; for following all New Jersey Department of Transportation directives, policies and procedures, the New Jersey Department of Transportation Workplace Violence Crisis Management Plan, and the New Jersey Department of Transportation’s Emergency Operations Plan; and for assisting in maintaining a safe and secure work environment. Employee reports of violence or threats of violence will be held in confidence to the maximum extent possible and subject to all applicable laws. New Jersey Department of Transportation will not tolerate any form of retaliation against an employee for making a report under this policy.

### A. Protective or Restraining Orders

New Jersey Department of Transportation employees who have been granted court-ordered protection which extends to the workplace must notify his/her supervisor and the Division of Human Resources, who will work together to develop a plan to ensure compliance with the order and maintain the safety of the employee and others at the workplace.

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**B. Weapons in the Workplace**

Under no circumstances may an employee or member of the public (other than an appropriately licensed law enforcement or security officer) possess any form of weapon such as a firearm, knife (with a blade longer than 3 inches) or explosive device on their person or in their vehicle or in State vehicles. In addition, use of or intent to use any other object as a weapon is also a violation of this policy. If the above situation exists, such individuals will be asked to remove any form of weapon from the worksite. Employees who become aware of the presence of a weapon should immediately report it to management. If management is unsuccessful in obtaining voluntary consent to this request, law enforcement assistance shall be sought.

**C. Imminent or Actual Violence Situations**

Actual threats should always be taken seriously and responded to immediately. If an employee feels that someone presents a danger or demonstrates peculiar behavior, he or she should take proper precaution, and promptly report such behavior to his or her supervisor or manager. Moreover, if circumstances indicate imminent or actual danger involving weapons or personal injury, employees should take the necessary precautions to assure their own safety and the safety of others by dialing \*9-911 from State phone lines (911 from cell phones) for immediate law enforcement and medical assistance.

**D. Establishment of a Crisis Management Team**

As part of this policy the New Jersey Department of Transportation hereby establishes a Crisis Management Team to oversee the development of a workplace violence prevention plan, to respond to emergency situations involving workplace violence, and to ensure that this policy is implemented. The DOT Workplace Violence Coordinator (Chief of Investigations) is designated as the authorized point person for the Crisis Management Team. The DOT Workplace Violence Coordinator will receive the incident reports and conduct the investigations. In the event of a violent incident, at least three members from this group will assemble, direct the agency response, and ensure that an incident report is filed with the Civil Service Commission.

**Permanent Members**

NJDOT Workplace Violence Coordinator, i.e., IIU Chief of Investigations  
 Chief of Staff or Designee  
 Director, Human Resources  
 Any other person(s) designated by the Commissioner

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### **RESPONSIBILITIES OF THE CRISIS MANAGEMENT TEAM**

DOT Workplace Violence Coordinator, shall function as the main point of contact for the Crisis Management Team and will ensure that the Team:

- A. Develop guidelines outlining how crisis incidents should be responded to and managed. The guidelines and procedures should relate to the severity level of the incident. Include protocol for reporting incidents to State Police and/or law enforcement authorities.
- B. Identify and develop procedures for securing work areas where an incident occurred and a plan for ensuring the safety of employees and others remaining in the area.
- C. Identify and develop procedures that designate the ways that crisis communications should be managed. This should include distinct modes of communications with employees, family members of the victim(s), the media, etc.
- D. On an annual basis, review the various workplace violence incident report forms, and the administrative, disciplinary, and/or legal actions that may be administered in response to an incident to ensure they are appropriate and current.
- E. Identify the specific roles and responsibilities of each team member.

### **VI. CONSEQUENCES FOR THOSE WHO VIOLATE THIS POLICY**

Appropriate disciplinary, administrative or criminal action shall be taken against any person who violates the provisions of this policy. Administrative or disciplinary action can take many forms depending on the circumstances, up to and including immediate suspension, removal, and/or forfeiture of employment.

Any person who engages in any act of violence in a New Jersey Department of Transportation facility may be removed from the workplace as quickly as safety permits, and may be banned from entering New Jersey Department of Transportation facilities until an investigation is completed.

### **VII. INCIDENT REPORTING AND INVESTIGATING**

All incidents or alleged incidents of workplace violence shall be reported immediately to the Chief of Investigations, Office of the Inspector General, Internal Investigations Unit at 609-963-1954 followed by submittal of the "Workplace Violence Incident Report," PR-188 within 24 hours of an alleged workplace violence infraction.

All reported incidents of workplace violence shall be investigated under the guidance of the New Jersey Department of Transportation, Office of the Inspector General Internal Investigations Unit.

No employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation.

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**A. Roles and Responsibilities (Refer to Section IX for NJDOT-Specific Roles and Responsibilities)**

It is important to understand the roles and responsibilities necessary to support and sustain a work environment in which violent or potentially violent situations are effectively addressed. There should be a focus on prevention by increasing employee understanding of the nature of workplace violence, how to respond to it, and how to prevent it.

It is up to each employee, supervisor or manager to assist with making the New Jersey Department of Transportation a safe workplace free of violence, harassment, intimidation, and other disruptive behavior for all.

**1. Employee Responsibilities:**

- a. Immediately notify their supervisor or manager of the work unit if they are a victim or witness an act of violence or other violation of this policy. If the supervisor or manager is the perpetrator of the violence, the incident should be reported to the Workplace Violence Coordinator.
- b. Document the incident (in writing) as soon as possible after it occurs.
- c. Complete and forward an incident report PR-188, to the supervisor or manager, or where the supervisor or manager is the perpetrator of the violence to the Workplace Violence Coordinator within (24) hours of an alleged workplace violence infraction.
- d. If applicable, complete and forward an Accident Report, RM-2 to the supervisor or manager, or where the supervisor or manager is the perpetrator of the violence to the Division of Human Resources, within (24) hours upon sustaining any injury related to workplace violence.
- e. Cooperate with any subsequent investigation of workplace violence incidents.
- f. Be familiar with the services provided by the Employee Advisory Services.
- g. Inform managers or supervisors about restraining or protective court orders related to domestic situations so that assistance can be offered at the work place.

**2. Unit Supervisor/ Manager Responsibilities:**

Acts of aggression and violent behavior require immediate action. Managers and Supervisors are responsible for assessing situations to ensure the safety and security of employees and are responsible for the following actions:

- a. Obtain emergency police intervention or medical response, as needed.
- b. Take all reported incidents of workplace violence seriously.
- c. Immediately notify the Internal Investigation Unit at 609-963-1954.
- d. Notify and brief the division director or senior management designee of the division.

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- e. Interview and obtain written statements from witnesses once the situation is brought under control.
- f. Complete the "Workplace Violence Incident Report," PR-188, and forward the completed form and witness statements to the Workplace Violence Coordinator no later than one (1) business day following (receipt of and) completion of the incident form.
- g. Sign (or complete, if employee is unable to do so) an accident report, PR-45 and/or RM-2, arising from any reported incident of workplace violence, and forward the completed report to the Division of Human Resources, no later than one (1) business day following the receipt of and completion of accident report.
- h. Conduct, assist in, or cooperate with any subsequent investigations of workplace violence.
- i. Provide feedback to employees regarding the outcome of their reports concerning violent or potentially violent incidents.
- j. Encourage employees who demonstrate signs of stress or evidence of possible domestic violence to seek assistance, such as the Employee Advisory Service.

**3. Internal Investigations Unit Responsibilities:**

The following action should be taken by Internal Investigation Unit (IIU) within (48) hours following an alleged incident:

- a. Respond immediately to the incident.
- b. Assess reported incidents to determine the need to involve the Crisis Management Team.
- c. Advise unit supervisor/management on appropriate incident response measures.
- d. Conduct an investigation, including obtaining interviews, written statements and other documentary evidence from the victim, the accused and all witnesses to the incident.
- e. Ensure a final report is issued after the investigation to the Director, Human Resources. Such report shall include a summary of the interviews, findings of fact, analysis, and conclusion.
- f. Track workplace violence incidents/allegations in accordance with State Policy.

**4. Human Resources Responsibilities:**

The following action should be taken by Human Resources personnel following an alleged incident:

- a. Provide feedback to employees regarding the outcome of their reports concerning violent or potentially violent incidents.
- b. Recommend appropriate administrative/disciplinary or other action within 60 days of the receipt of the investigation report.
- c. Obtain authorization for medical treatment as may be needed.

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- d. As appropriate, refer employees, involved in workplace violence incidents, to the Employee Advisory Service.
  - i. Employee Advisory Service (EAS), a program within the New Jersey Civil Service Commission, is designed to help employees and their dependents with personal, family or work related issues that may adversely impact their work performance, including but not limited to anger and stress management and critical incident stress. Employees may contact EAS at 1-866-327-9133.
  - ii. The Department will also use EAS personnel, qualified departmental personnel, or outside assistance to ensure the safety, psychological comfort and support of victims of workplace violence.

**VIII. MAINTENANCE AND SUPPORT**

**A. Employee Advisory Service (EAS)**

Professional counseling services, provided by the Employee Advisory Service (EAS), will be used to assist in the assessment of violent or potentially violent situations, to assess an employee’s fitness for work and to counsel victims of violence in the workplace.

**B. Health and Safety**

With the Occupational Safety and Health Act of 1970, Congress created the Occupational Safety and Health Administration (OSHA) to assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance.

**C. Recordkeeping**

Each State agency will be responsible for maintaining records on workplace violence. Injuries resulting from workplace violence shall be reported to the Department of the Treasury, Division of Risk Management and shall be recorded as required under the Public Employees Occupational Health and Safety (PEOSHA) procedures. All incident reports shall be maintained as confidential records, to the extent practicable and appropriate, and kept on file in accordance with State document retention schedules.

**D. Training and Education**

Training and education will be provided to all employees to increase awareness about workplace violence. This will include information to help employees understand what workplace violence is, and how it can be prevented.

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**E. Communications**

Copies of this policy and the "Workplace Violence Incident Report Form," PR-188, shall be posted on the New Jersey Department of Transportation's intranet. Any revisions and/or additions made to this policy shall be distributed to all current and future employees in accordance with the effective date.

A copy of the New Jersey Department of Transportation Policy and Procedure on Violence in the Workplace shall be made accessible via the New Jersey Department of Transportation's intranet. A copy, including any supplements, shall also be provided to the Civil Service Commission.

Public information regarding any incident of workplace violence involving a New Jersey Department of Transportation employee, shall be released only by, or with approval of the Department's Director of Communications, and in accordance with the requirements of the Open Public Records Act (OPRA).

**IX. SUPPLEMENTAL POLICIES AND PROCEDURES**

**A. Department of Transportation Definitions**

Crisis – a dangerous situation that requires serious attention and action to avoid disaster.

Crisis Response Team – a group of designated individuals responsible for developing and implementing the NJDOT Workplace Violence Crisis Management Plan. In the event of a crisis incident, this group or members of the group would direct the Department's response.

Workplace Violence Crisis Management Plan – a plan developed by the NJDOT, consistent with the State of New Jersey Workplace Violence Policy Statement, designed to prevent and react to incidents of workplace violence.

Zero Tolerance – a policy of applying laws and policies to any infraction of a rule regardless of the circumstances.

**B. Roles and Responsibilities**

**1. Employee Responsibilities:**

Employees should familiarize themselves with the policy and are responsible for the following:

- a. Immediately notify their supervisor or manager of the work unit if they are a victim or witness an act of violence or other violation of this policy. If the

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supervisor or manager is the perpetrator of the violence, the incident should be reported to the employee's higher level chain of command or Workplace Violence Coordinator.

- b. If the situation cannot be safely diffused with managerial skill and there is an immediate threat of harm, then employees shall report the incident to law enforcement officials by dialing \*9-911 from State phone lines (911 from cell phones).
- c. Employees may contact the Office of Inspector General (OIG) by email, phone, or mail:

New Jersey Department of Transportation  
Office of the Inspector General  
PO Box 600  
Trenton, NJ 08625-0600  
[Inspector.general@dot.nj.gov](mailto:Inspector.general@dot.nj.gov)  
609-963-1958

- d. Document the incident (in writing) as soon as possible after it occurs.
- e. Complete and forward an incident report PR-188 to the supervisor or manager, or where the supervisor or manager is the perpetrator of the violence, to the Workplace Violence Coordinator within (24) hours of an alleged workplace violence infraction.
- f. If applicable, follow the provisions of Policy 517, *On the Job Injuries, Sick Leave Injury and/or Workers' Compensation Benefits* upon sustaining any injury related to workplace violence.
- g. Cooperate with any subsequent investigation of workplace violence incidents.
- h. Employees shall adhere to any and all instructions given to them by law enforcement and OIG in dealing with the incident.

### 2. Unit Supervisor/Manager Responsibilities:

- a. Complete the "Workplace Violence Incident Report," PR-188 and forward the completed form and witness statements to the Internal Investigations Unit within twenty-four (24) hours of the incident.
- b. If an employee injury occurs as the result of a workplace violence incident, follow the provisions of Policy 517, *On the Job Injuries, Sick Leave Injury and/or Workers' Compensation Benefits*.
- c. Assist in, or cooperate with any subsequent investigations of workplace violence.
- d. Onsite managers/supervisors shall contact their higher level management staff, the Workplace Violence Coordinator, and the Manager, Employee Relations for advice and guidance as necessary.
- e. Management is encouraged to contact the Manager, Employee Relations to utilize the State's Employee Advisory Service in potentially volatile situations or when an employee's mental and emotional fitness for duty is of concern. In such

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situations, management must contact the Division of Human Resources to arrange for the referral.

**3. Internal Investigations Unit Responsibilities:**

- a. Confer with the Division of Human Resources and advise the unit supervisor/management on appropriate incident response measures.
- b. In the event that a Workplace Violence incident coincides with an alleged or apparent violation of the New Jersey Policy Prohibiting Discrimination in the Workplace, IIU shall notify the Division of Civil Rights/Affirmative Action within 24 hours of the incident. IIU shall also copy the Division of Civil Rights/Affirmative Action on its formal report.
- c. The IIU shall maintain all records and statistics on workplace violence incidents. Upon request by the New Jersey Civil Service Commission, workplace violence statistics will be provided annually to that agency by the IIU.

**X. AUTHORITY**

N.J.S.A. 27:1A-5

Executive Order No. 49 (Whitman 1996)

N.J.S.A. 2C:39-1r (definition of “weapon”)

Policy & Procedure 200, “Request for Investigative Services”