PURPOSE

The Michigan Department of Health and Human Services (MDHHS) is committed to providing a safe and secure workplace for all employees, clients, and members of the public. This policy informs all employees that they have the right and responsibility to communicate their concerns about workplace violence issues to appropriate levels of supervision and, as required, to higher levels of department management.

For workplace violence involving patients in the State hospitals; see APF 138.

This policy also sets forth a zero-tolerance standard for actual or threatened violence. The zero-tolerance standards require that all acts or threats of violence are:

- Reported to management and documented via the MDHHS incident report.
- Investigated in compliance with respective department policies and procedures and/or in accordance with Michigan law, as applicable.
- Dealt with appropriately and timely, if substantiated.
- Responded to in writing, within a reasonable time, regarding substantiated actual or threatening behavior; see *zero-tolerance notices* in this item.

It is the responsibility of each employee to report any occurrence of violence or threatening behavior that s/he may witness, while on official state business or engaged in approved work-related activities. Threatening behavior may or may not include an act of physical violence. However, the department, will presume that any threat, whether verbal, written, visual, or by gesture, constitutes an expression of intent to do harm.

The procedures that accompany this policy outline an orderly process for addressing employee and MDHHS client/visitor acts of violence or threatening behavior, and standards for issuing zero-tolerance notices. All work sites must conform to this policy and procedure. However, rapid response team coordinators may enhance their local plan to accommodate specific office circumstances.

DEFINITIONS

Act of Violence

Any intentional, reckless, or grossly negligent act that would reasonably be expected to cause physical injury or death to another person.

Explosive

Any bomb, grenade, missile, or other dangerous device designed to expand suddenly and release internal energy resulting in an explosion.

Firearm

A weapon from which a dangerous projectile may be expelled by an explosive, gas or air.

Threat of Violence

Any intentional communication or other act that threatens an act of violence and would cause a reasonable person to feel terrorized, threatened, or fear physical injury or death to oneself or another person. Any threat of violence, whether verbal, written, visual, or by gesture, will be presumed to be an expression of intent to do harm to another person.

Weapon

Any instrument or devise for use in an attack. Anything used, designed to be used or intended for use to cause death or injury to any person or for the purpose of threatening or intimidating any person.

Workplace

An office or building owned or leased by the state in which employees are assigned or work. It includes any state-owned or leased common grounds or parking areas used by employees assigned to or working in the office or building and any state-owned vehicle.

POLICY

A threat is an expression or intention to inflict physical injury or property damage. Physical violence or acts of threatening behavior that occur while on official state business or while engaged in

approved work-related activities, and involve any employee, MDHHS client or visitor (family member, friend, member of the community, etc.) are strictly prohibited.

All reported threats or incidents of violence will be promptly investigated, as appropriate. The department will presume that any threat, whether verbal, written, visual, or by gesture, constitutes an expression of intent to do harm.

Employee

All employees must treat other employees, clients, and members of the public with courtesy. Persons who violate this policy will be subject to department actions deemed necessary and appropriate to ensure safety.

Any employee, who engages in an act of physical violence or threatening behavior while on official state business, or while engaged in approved work-related activities, should not expect to maintain privacy during an investigation of the incident. Threats of violence may result in a search of the desks, lockers, and other storage space. Physical violence, threats of physical violence, and/or threatening conduct of any kind by any employee may result in disciplinary action, up to and including dismissal.

Examples of prohibited employee behavior while on official state business or while engaged in approved work-related activities:

- Carrying or displaying a firearm, unless exempt under civil service rules.
- Carrying or displaying an item with intent to use it as a weapon or to do physical harm.
- Engaging in any threatening or assaultive behavior directed toward another individual or group of individuals, and/or causing or urging others to engage in such activity.
- Engaging in behavior which would cause a reasonable person to feel terrorized, frightened, intimidated, harassed, molested, or fearful of physical injury or death.
- Any threat to do harm to another person or to destroy property.

Clients and General Public

Any client or member of the public who engages in an act of physical violence or threatening behavior toward any employee, individual or group while being served by department staff, should be immediately reported to office management.

The department will presume that any threat, whether verbal, written, visual or by gesture, will constitute an expression of intent to do harm.

Actual or threatened violence may result in the issuance of a zero-tolerance notice and involvement of law enforcement, as needed; see *procedures* in this item. Persons who violate this policy will be subject to department actions deemed necessary and appropriate to ensure safety of employees, clients and visitors.

Examples of prohibited behavior toward a department employee, or any individual or group, while conducting department business:

- Disruptive behavior characterized by a loud voice that is aggressive or hostile in nature, or mannerisms that would be considered threatening/menacing, uncontrollable, or any actions short of actual physical assault.
- Any threat to do harm to another person or to destroy property.
- Engaging in behavior which would cause a reasonable person to feel terrorized, frightened, intimidated, harassed, molested or fearful of physical injury or death.
- Engaging in any threatening or assaultive behavior directed toward another individual, or group of individuals, and/or causing or urging others to engage in such activities.
- Brandishing an item with intent to use it as a weapon or to do physical harm.

REPORTING REQUIREMENTS

All employees who observe or are the victim of violence or threatening behavior committed in the workplace, on MDHHS property, while on official state business, or while engaged in work related activities, have a duty to report the incident to their supervisor or other levels of management, and to complete an

online incident report (http://mMDHHSintranet/dmds/IncidentReport.asp). Managers must ensure the on-line incident report is completed if the employee is unavailable or unable to report.

All reported incidents will be investigated as appropriate. During the investigation, management will make every reasonable effort to protect the identity of the employee making the report. However, if the incident is substantiated, confidentiality may no longer be possible. Management will investigate any allegations of retaliation against, or coercion of, employees or others for making reports, or for cooperating in an investigation. Reports for incidents occurring in state owned buildings should also be reported to the on-site facilities manager.

Failure by the employee or management to report incidents as required in this section may result in an investigation of non-compliance.

Rapid Response Teams

Violence is manifested in many forms. Although it is not possible to address all conceivable violent situations, there are three specific circumstances that call for different methods of response:

1. A physical altercation while on official state business or while engaged in approved work-related activities. Normally this event will be handled locally; see *procedures* in this item.

2. When a person makes a verbal or written threat of serious future violence or manifests aberrant behavior that causes others to feel endangered.

   Example: Threats “to blow up the building”, “shoot everyone here”, “go postal” or a veiled threat.

   Such threats must be referred to Bureau of Organizational Services and the Office of Human Resources Labor Relations, followed with an online incident report.

3. Any act of violence is occurring. In this event immediate steps must be taken to secure the area and ensure the safety of all persons present, then notify Bureau of Organizational Services and complete an online incident report.

In the case of 1 and 2 a special Rapid Response Team (RRT) may be convened. This RRT may include representatives of Labor Relations, Legal Services, Bureau of Organizational Services, Department of Technology, Management and Budget, facilities/building manager, law enforcement agencies, and / or representatives from other jurisdictions as deemed appropriate to adequately respond to the situation.

To quickly and appropriately respond to major violence or threats of violence, each office shall establish a Rapid Response Team (RRT). It is recommended that the RRT include the county director, district office manager, institution director or facilities/building manager and that the RRT coordinator be selected from these individuals. Each RRT coordinator is responsible for determining the appropriate response to each occurrence. RRT's should meet regularly, plan and execute drills, and maintain a current roster of members.

The RRT may be assembled by the coordinator to assist in the investigation of a work site incident by documenting information such as the nature of the event, the date and time, person(s) involved, identification of witnesses, or to assist in securing the safety of employees and the general public. The RRT may also assist in the development of strategies to minimize risks for violence to occur.

Investigations

Coordinate all investigations involving employees with the Bureau of Organizational Services and/or Labor Relations. Timeliness in responding to an incident, accuracy in reporting the situation, documenting the investigation, recording the findings, and preparing recommendations for resolution or administrative action are crucial components of a complete investigation. Guidelines for investigations are set forth in the applicable labor agreements. Report allegations of a criminal nature to appropriate law enforcement personnel and via the department's incident report.

Education and Training

Employee education and training are important aspects in maintaining a work environment free from acts of violence and threats of violence. Employees may be scheduled for trainings on topics that will enable them to effectively deal with circumstances encountered on the job. Courses related to promoting positive

behavior, conflict resolution, mitigating or defusing potentially violent situations, coping with personal or job-related problems, and safety are currently available through this department and the Department of Civil Service sponsored training programs.

Security

Building security measures are an important aspect of providing employees with a safe and secure work environment. The responsibility for developing local emergency preparedness plans rest with the local office manager; see PUB 1190, Emergency Procedures Handbook for Leased Facilities. Include the RRT in developing such plans. The safety and security coordinator is also available to assist.

Traumatic Incident Stress Management

The Traumatic Incident Stress Management (TISM) Program available through the Michigan Civil Service /Employee Benefits/Employee Service Program (ESP) aids employees through participation in specialized group debriefings. Such meetings are usually held within 24 to 72 hours from the time of the event. Employees who have been traumatically affected by an act of workplace violence or threatening behavior are encouraged to participate in the TISM services.

PROCEDURES

The following procedures are applicable to employees and members of the general population, respectively.

The details related to the issuance of zero-tolerance notices to members of the general population, resulting from physical altercation, are included in this item.

PHYSICAL ALTERCATION:

Responsibility	Action
Supervisor/Manager /Director	1. Immediately separate the participants. If necessary, remove participants from the work site. Contact law enforcement as necessary. 2. Investigate the incident.

PHYSICAL ALTERCATION:

Responsibility	Action
	3. For employee-involved incidents, follow the guidelines for investigations set forth in the provisions of applicable labor agreements. 4. Complete and submit an online Incident Report within 7 calendars. 5. Discuss with the labor relations representative to determine discipline as necessary. 6. Take disciplinary action, if appropriate. Review contractor/volunteer status if appropriate if non-state employees.
Employee	7. Within 24 hours report incident to immediate supervisor, providing details. 8. Complete and submit an online Incident Report. 9. File for Personal Protection Order (PPO) if deemed necessary.

THREAT OF VIOLENCE OR ABERRANT BEHAVIOR:

Employee	1. Report incident to the immediate supervisor, providing details. 2. Complete and submit an Incident Report online. 3. File for Personal Protection Order (PPO) if deemed necessary.
Supervisor	1. Notify law enforcement as necessary. 2. Notify the local rapid response team coordinator; follow directives necessary to ensure the safety of staff, public and facility. 3. Assist employee in filing a PPO if requested.
Rapid Response Team Coordinator	1. Notify the director of Labor Relations. 2. Participate/assist in the investigation coordinated by Labor Relations. 3. Participate in the action plan developed.

VIOLENCE OR IMMINENT DANGER (WEAPONS)

Responsibility	Action
Employee	1. If you are at risk, remove yourself from the situation to secure your personal safety. 2. Inside state buildings, dial 9-911 or the local emergency number if the situation requires the immediate response of police, fire or EMS. Be prepared to provide a description of the perpetrator, the behaviors of those involved and the location of the incident.

PHYSICAL ALTERCATION:

Responsibility	Action
	3. Notify the nearest manager and security guard (where used) as soon as possible. Report incident to immediate supervisor. 4. Complete and submit an online incident report.
Supervisor / Manager / Director	1. Inside state buildings, dial 9-911 or the local emergency number if the situation requires the immediate response of police, fire or EMS and the call has not already been made. Be prepared to provide a description of the perpetrator, the behaviors of those involved and the location of the incident. 2. Take any immediate action necessary to secure the safety of staff, public and facility. 3. Notify central office, 517-335-8200. 4. Notify the local rapid response team coordinator and take action to ensure the safety of staff, public and facility.
Rapid Response Team Coordinator	1. Arrange for the immediate safety of employees and for the care of those affected. Identify secure areas to which staff may disperse. 2. Notify the human resources director as appropriate to coordinate labor relations investigations. 3. Lead the office rapid response team in cooperation with emergency personnel to ensure safety of staff, public and facility. 4. Investigate all incidences and prepare appropriate reports. 5. Notify the traumatic incident stress management program coordinator if necessary. 6. Inform the reporting employee of the action taken. This should be done in person or through written documentation.

ZERO-TOLERANCE NOTICES

By standardizing and providing a step process for issuing zero-tolerance notices, it is anticipated there will be a decrease in prolonged client agitation/aggressiveness for those who receive the notice, as the zero-tolerance notice will not initially ban clients unless warranted by the situation.

The criteria that trigger the issuance of a zero-tolerance notice include the following circumstances:

- Disruptive behavior that is characterized by a loud voice that is aggressive or hostile in nature, or mannerisms that would be

considered threatening/ menacing, uncontrollable, or any actions short of actual assault.

- A physical altercation involving any individual(s) or group while on official state business, engaged in approved work-related activities or while conducting business with the department.
- A verbal or written threat of serious future violence or which exhibits aberrant behavior ("to blow up the building", "shoot everyone here", "go postal" or a veiled threat) that causes others to feel endangered.
- An act of violence has occurred.

Prior to the issuance of a zero-tolerance notice, a MDHHS incident report must be completed and submitted online, with a copy to the county director or designee. The content in the incident report will determine the level of zero-tolerance notice to be issued. Levels include:

- **Warning** - An informational notice regarding the situation as reported, and reference to the department's zero-tolerance policy, including a warning against repeat behavior.
- **Change in Delivery of Service** - An informational notice regarding the situation as reported, and reference to the department's zero-tolerance policy, including instructions on how the individual will be able to conduct future business with the department.

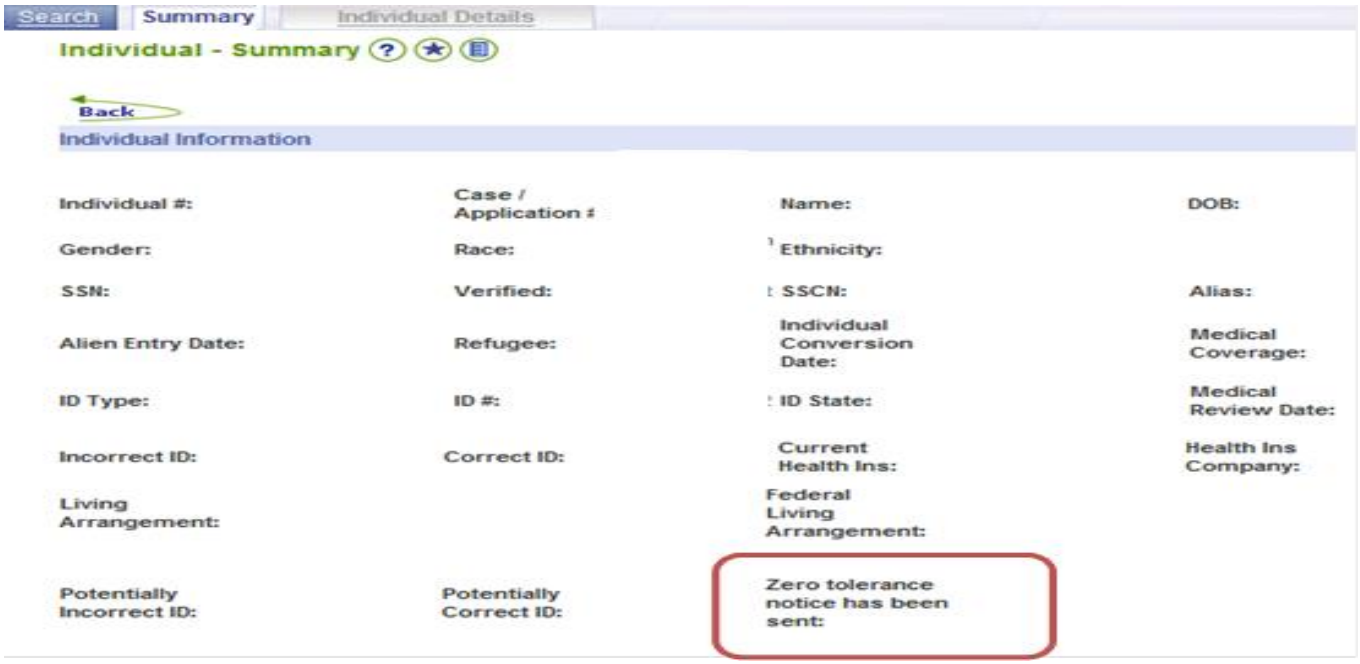
  Note: This notice, depending on the circumstances, also allows for the inclusion of a situation review date. The department's goals are to reach a mutual understanding, when possible, and deliver services to clients in a convenient, yet safe environment.

Responsibility	Action
Supervisor/ Manager/Director	1. For incidents that involve the public, based on the criteria that triggered the issuance of a zero-tolerance notice, determine which notice will be issued: •• **Disruptive Behavior** - *Recommended Zero-tolerance Notice: a warning*. **Note**: If a subsequent Zero-tolerance Notice (Change in Delivery of Service) is issued, include a situation review date.

- **Physical altercation** - *Recommended Zero-tolerance Notice: dependent on the circumstance*.
- **A verbal or written threat of serious future violence or exhibits aberrant behavior** ("to blow up the building", "shoot everyone here", "go postal" or a veiled threat) that causes others to feel endangered. *Recommended Zero-tolerance Notice: Change in Delivery of Service*.
- **Act of violence has occurred** - *Recommended Zero-tolerance Notice: Change in Delivery of Service*.

2. Signature Authority - authorized management staff (county director, district manager or management designee).
3. Zero-tolerance notices that result from correspondence received in the director's office will follow the procedures established in this policy. A copy of the signed letter may be requested for the correspondence file.
4. When the zero-tolerance notice is issued to clients, electronically document in BRIDGES - *Individual Summary*; see graphic in this item.

BRIDGES INDIVIDUAL SUMMARY SCREEN



SUGGESTED ZERO-TOLERANCE NOTICES

Suggested Zero-tolerance Notice #1 - WARNING (no restriction)

An informational notice regarding the situation as reported, and reference to the department's Zero-tolerance policy, including a warning against repeat behavior.

EXAMPLE 1

This notice is to inform you that the Department of Human Services (MDHHS), out of concern for the safety of our employees, adopted the Zero-Tolerance policy to respond to actual or threatened violence toward MDHHS staff.

An implied or direct threat to a MDHHS employee is a crime and penalties may be imposed. I was informed that an incident occurred on (date) at (specific County location). (Briefly state the allegation/incident).

All reported threats or incidents of violence will be investigated and appropriately addressed. Our policy reads: "Threatening behavior may or may not include an act of physical violence. However, the Department will presume that any threat, whether verbal, written, visual, or by gesture, will constitute an expression of intent to do harm."

All employees who observe or are the victim of violence or threatening behavior have a duty to report to their supervisor, or other levels of management, any act of violence or threatening behavior

We are committed to providing a safe work environment and maintaining a zero-tolerance standard for actual or threatened violence toward employees or clients. All behaviors are to be minimized to prevent a recurrence of a real or perceived threat.

PROHIBITED THREATENING BEHAVIOR INCLUDES:

- Engaging in any threatening or assaultive behavior.
- Engaging in behaviors, which cause another to feel terrorized, frightened, or intimidated.
- Any threat to do harm to another person or property.

In the future, we ask that you be mindful of our Zero Tolerance policy when you visit a county office of the MDHHS or in your future contacts with MDHHS staff.

Sincerely,

(Name), (Title)

Direct Telephone: (area code/phone number)

C: State MDHHS Director
Chief Operating Officer
Economic Stability Senior Deputy Director
Business Service Center Director
Children's Services Senior Deputy Director
County Director

District Manager
Emergency Management and Security Manager
Office of Human Resources Director
Assistant to the Director

The Michigan Department of Health and Human Services (MDHHS) does not discriminate against any individual or group on the basis of race, national origin, color, sex, disability, religion, age, height, weight, familial status, partisan considerations, or genetic information. Sex-based discrimination includes, but is not limited to, discrimination based on sexual orientation, gender identity, gender expression, sex characteristics, and pregnancy.

Reference: Public Act 328 of 1931; 750.81c/Lisa Law

Suggested Zero-tolerance Notice #2 - Change in Delivery of Service

An informational notice regarding the situation as reported, and reference to the department's Zero-tolerance policy, including instructions on how to conduct future business with the department (for example, via appointment only, U.S. mail, internet, or fax).

EXAMPLE 2 REPEAT OFFENSE

This notice is to inform you that the Michigan Department of Human Services (MDHHS), out of concern for the safety of our employees, adopted the "Zero-Tolerance" policy to respond to actual or threatened violence toward MDHHS staff. An implied or direct threat to a MDHHS employee is a crime and penalties may be imposed. I was informed that an incident occurred on (date) at (specific County location). (Briefly state allegation/incident)

All reported threats or incidents of violence will be investigated and appropriately addressed. Our policy reads: "Threatening behavior may or may not include an act of physical violence. However, the department will presume that any threat, whether verbal, written, visual, or by gesture, will constitutes an expression of intent to do harm."

All employees who observe or are the victim of violence or threatening behavior have a duty to report to their supervisor, or other levels of management, any act of violence or threatening behavior.

This letter is notice that this type of behavior is not acceptable in a MDHHS office. A Zero-tolerance Notice was previously mailed to you on (date). Due to the nature of this continued threat, please conduct your business with the_____via scheduled appointment, U.S. mail, internet, or fax. The fax number is (area code/phone number).

Please note that threatening a MDHHS employee is a misdemeanor, punishable by imprisonment for not more than one year or a fine of not more than $1000.00; and assaulting a MDHHS employee is a felony.

We are committed to providing a safe work environment and maintaining a zero-tolerance standard for actual or threatened violence toward employees or clients. If you have any questions regarding your case or the issuance of this Zero-tolerance Notice, fax them to the attention of (individual's name) at (area code/FAX number), or via email at (name)@michigan.gov

Situation Review Date:

Sincerely,

(Name), (Title)

Direct Telephone: (area code/phone number)

C: State MDHHS Director
Chief Operating Officer
Economic Stability Senior Deputy Director
Children's Services Senior Deputy Director
County Director
Business Service Center Director
County Director
District Manager
Emergency Management and Security Manager
Office of Human Resources Director
Assistant to the Director

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Reference: Public Act 328 of 1931; 750.81c/Lisa Law

Suggested Zero-tolerance Notice #3 – Change of Service Delivery

EXAMPLE 3 ESCALATED CIRCUMSTANCES

This notice is to notify you that the Michigan Department of Human Services (MDHHS), out of concern for the safety of our employees, adopted the Zero-Tolerance policy to respond to actual or threatened violence toward MDHHS staff. . An implied or direct threat to a MDHHS employee is a crime and penalties may be imposed.

I was informed that on (date) at (specific County location) you proceeded to communicate in a manner that was considered threatening (for example, threatened to blow up the building). A police report was filed.

All employees who observe or are the victim of violence or threatening behavior have a duty to report to their supervisor, or other levels of management, any act of violence or threatening behavior committed in the workplace, on MDHHS property, while on official state business or while engaged in work-related activities. “Threatening behavior may or may not include an act of physical violence. However, the department will presume that any threat, whether verbal, written, visual, or by gesture, will constitutes an expression of intent to do harm.”

Due to the serious nature of this threat, exempting federally granted rights, you are required to conduct all MDHHS business by mail or fax. The fax number to the (office/unit name) is (area code/phone number). If you visit a MDHHS office, the police will be contacted.

We are committed to providing a safe work environment and maintaining a zero-tolerance standard for actual or threatened violence toward employees or clients. If you have any questions regarding the issuance of this zero-tolerance notice, fax them to the number above, or email me at (name)@michigan.gov

Sincerely,

(Name), (Title)

Direct Telephone: (area code/phone number)

C: State MDHHS Director
Chief Operating Officer
Economic Stability Senior Deputy Director
Economic Stability Senior Deputy Director
Business Service Center Director
County Director
District Manager
Emergency Management and Security Manager
Office of Human Resources Director
Assistant to the Director

The Michigan Department of Health and Human Services (MDHHS) does not discriminate against any individual or group on the basis of race, national origin, color, sex, disability, religion, age, height, weight, familial status, partisan considerations, or genetic information. Sex-based discrimination includes, but is not limited to, discrimination based on sexual orientation, gender identity, gender expression, sex characteristics, and pregnancy.

Reference: Public Act 328 of 1931; 750.81c/Lisa Law

WORK RULES

The following work rule sets standards expected of all employees. Violations of these rules will result in disciplinary action ranging from reprimand to dismissal. The following behavior is strictly prohibited.

Work Rule 16

Threatened, attempted or actual workplace violence.

Examples include but are not limited to:

- Actual or attempted physical violence or coercion, either implied or explicit, towards anyone over job related issues or while on duty, while in "on call" status or in state workplaces,
- Any behavior which is physically assaultive,
- Any behavior which indicates the potential for violence, e.g. throwing objects, shaking fists, intentional destruction of property,
- Engaging in any threatening behavior directed toward another individual or causing or urging others to engage in such behavior,
- Engaging in a course of conduct that would cause another individual to feel terrorized, frightened, intimidated, harassed or molested,
- Failure to report an act of violence or threatening behavior committed in state workplaces, while on official state business or while engaged in work related activities or failure to cooperate in an investigation of violence or threatening behavior.

The department reserves the right to terminate the services of volunteers and contractors who violate this policy.

RELATED LAW

In addition, the county directors and administrators will refer for prosecution, anyone who impersonates a MDHHS employee or threatens physical harm or assaults a MDHHS employee, causing physical injury.

MCL 750.81c - it is a misdemeanor to threaten physical harm to a MDHHS employee based on the person's status as a MDHHS employee. It also makes it a felony to assault or assault and batter a MDHHS employee causing injury while the employee is performing his/her duties as a MDHHS worker.

MCL 750.217e - it is a felony to impersonate a MDHHS employee with an intent to gain or attempt to gain entry to a residence or other property; remain or attempt to remain in a residence or other property; commit or attempt to commit a crime; gain or attempt to gain access to financial account information; obtain or attempt to obtain confidential child protective services information; or gain access to or attempt to gain access to a person less than 18 years of age or a vulnerable adult.

CONTACT

For more information, contact the Bureau of Organizational Services.

RESOURCES

For additional resources see the Department of Health and Human Services Work Rules on the MDHHS intranet at Inside MDHHS/Human Resources/Labor Relations/MDHHS Work Rules.

LEGAL BASIS:

Public Act 328 of 1931; MCL 750.81c / Lisa Law

MCL 750.217e

Civil Service Rule 2-20, Workplace Safety: Violence, Firearms, and Explosives and Civil Service Regulation 2.05, Workplace Safety.