

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
321**

WORKPLACE VIOLENCE

Supersedes: (Temporary, 08/08/11); 06/17/12; (Temporary, 07/15/17)
Effective Date: 08/30/17

AUTHORITY: NRS 199.300, 200.571, 200.575, 201.255, 202.840, 203.119, 207.180, 209.131, 618.353, 618.375, NAC 284.650, 618.540, State Administrative Manual (SAM) 0521(8)

PURPOSE

To promote, enhance, and ensure a safe workplace environment for employees in their dealings with staff, volunteers, contract service providers, and/or the public, and to reduce the potential risk of violence in the workplace. This policy is not to be used or construed as policy concerning interactions with inmates or inmate behavior.

RESPONSIBILITY

The Director is responsible for the establishment of NDOC regulations.

The Deputy Director of each Division is responsible for ensuring compliance of this regulation.

The Human Resource Administrator is responsible to ensure implementation of the regulation and workplace violence training.

All Department employees are responsible for knowing and complying with this regulation.

321.01 INCIDENT REPORTING AND INVESTIGATION

1. Workplace violence or acts of aggression may include oral or written statements, messages, gestures, or expressions that communicate a direct or indirect threat or intimidation of physical or mental harm or stalking (NAC 284.650), physical confinement or restraint; or an act intended to harm a person's health, safety, financial condition, or personal relationships; indirect acts, or acts such as damage to personal property or the act of extorting money, goods, or other property as described in NRS 207.180.

A. Violence, threats, harassment, intimidation and other acts of aggression and disruptive behavior in the workplace will not be tolerated.

2. Employees are responsible to immediately report all incidences or acts of workplace violence or aggression to include knowledge of possible direct and/or indirect threats to their supervisor or the most accessible supervisor.

A. Employees who are experiencing threats of violence from a current or former domestic partner (or other non-work related relationship) that may carry over to the workplace are encouraged to report threats to his/her supervisor to minimize the risk to the employee and others during working hours.

3. The supervisor shall report the incident to the next level in the chain of command, which in turn will ensure appropriate administrators are advised.

A. All reports of incidents shall be taken seriously and “immediate intervention” shall be initiated by the appropriate supervisor or manager.

4. Each incident shall be reported and each event must be documented including witness statements, reports, and any other pertinent information in the incident log screens of the Nevada Offender Tracking Information System (NOTIS) in accordance with AR 121 (Incident Reporting and Notification) by the supervisor. Significant incidents of workplace violence must be reported to the Risk Management Division as soon as practicable by the Human Resources Administrator or designee.

5. The supervisor shall promptly notify the Inspector General’s Office of the incident and shall ensure each incident is investigated thoroughly. This type of investigation is different in scope from an internal administrative investigation that could lead to punitive action. All investigations must comply with notice and investigation requirements set forth in NRS Chapter 289, and Chapter 284 of the NRS and NAC.

6. The supervisor shall provide a copy of their incident statement to the Department’s Compliance Enforcement Supervisor.

7. Supervisors shall follow the protocol designated in Administrative Regulation 329 (Employee Work-Related Illness/Injury or Occupational Disease) if there is any indication of injury to an employee.

8. Employee(s), as described herein, who commit acts of workplace violence shall be removed from the premises immediately, subject to possible disciplinary action up to and including termination, and/or subject to criminal actions. Disciplinary action arising out of a workplace violence incident must comply with the requirements for employee discipline as set forth in NRS Chapter 284, NRS Chapter 289, and NAC Chapter 284.

9. These procedures do not apply to incidences of inmate violence. Refer to AR 121 “Incident Reporting & Notification” for more information regarding Inmate Violence.

321.02 SUPERVISOR'S IMMEDIATE INTERVENTION

1. Upon a **direct and imminent threat of violence** (employee or other person states they are or may be on the way to commit an act of violence or indicate they are going to obtain the means to commit the act or an **immediate act of violence**):

A. The Inspector General's Office shall determine if law enforcement should be contacted, including a call to 9-1-1 emergency.

B. Employee(s) to whom the threat is directed and their supervisor(s) shall be notified of the threat. This information shall be kept confidential.

C. The supervisor shall offer the affected employee(s) the option to leave work; employee is to use their own accrued leave. If the employee does not have any leave, leave without pay may be granted.

D. The offending employee shall be placed on leave and be prohibited from returning to the worksite until further notice.

(1) If there are indications of possible medical illness, including a psychological condition by the offending employee, the supervisor shall contact an Associate Warden or Division Head who shall request a fitness for duty examination through the NDOC Personnel Division, until further notice.

2. Upon a **direct threat without imminent event** (employee or other person states that they intend to commit an act of violence one of these days):

A. The Associate Warden or Division Head shall place the offending employee on Leave.

(1) If there are indications of possible medical or psychological illness, the supervisor shall contact an Associate Warden or Division Head who may request a fitness for duty examination through the NDOC Personnel Division.

B. The supervisor shall notify the offending employee verbally and in writing that they are prohibited from coming to the worksite without prior approval and coordination with the Warden and or Division Head.

3. Upon **indirect threats, stalking, harassment, bullying, and/or intimidation**:

A. The supervisor shall confront and counsel the offending employee and state the behavior must stop.

(1) If the employee's behavior does not cease, the supervisor shall remove the employee from the work area by temporary assignment and/or implement progressive disciplinary measures; and/or

(2) If it is determined that conflict resolution needs to occur amongst employees, the Associate Warden and/or Division Head shall contact NDOC Personnel Division to coordinate this with the State Mediation Program; and/or

(3) If there are indications of possible medical illness, including psychological conditions, the employee shall be placed on sick leave and the supervisor shall contact an Associate Warden or Division Head who shall request a fitness for duty examination through the NDOC Personnel Division.

4. Upon bizarre, inappropriate, or unsafe behavior:

A. The supervisor shall confront and counsel the offending employee and give the employee an opportunity to explain reasons for the behavior.

(1) If the employee's behavior causes a supervisor to reasonably suspect that an employee is under the influence, the supervisor may consider following the guidelines of AR 349 (Employee/Applicant Alcohol and Drug Testing).

(2) If the employee's behavior does not improve, the supervisor may remove the employee from the work area and place them on sick leave and the supervisor shall contact an Associate Warden or Division Head who shall request a fitness for duty examination through the NDOC Personnel Division.

321.03 TRAINING

1. The Training Division shall present topics on workplace violence in Pre-Service Training (PST).

A. New employees are required to sign an acknowledgement form indicating that they received this training.

B. The signed acknowledgement form will be placed in the employee's Department training file, located in Carson City.

2. The Training Division shall present topics on Workplace Violence in refresher training every two (2) years as required.

A. All employees are required to sign an acknowledgement form indicating they received this training.

B. The signed acknowledgement form will be placed in the employee's training file.

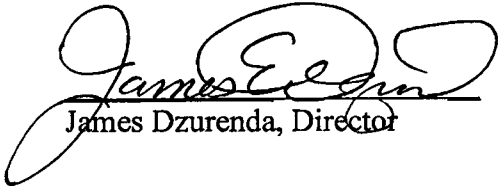
3. All proposed Workplace Violence training programs and material shall be submitted to the Compliance Enforcement Supervisor for review and approval prior to implementation.

APPLICABILITY

1. This regulation applies to all classified and unclassified employees of the Department.
2. This regulation requires an audit.

REFERENCES

State Administrative Manual section 0521(8), AR 121, AR 319, AR 329, AR 349



James Dzurenda, Director

8/30/17
Date