

# Universal Policy Pursuant to Executive Order D 023 09 Establishing a Policy to Address Workplace Violence, Including Domestic Violence Affecting the Workplace

## **STATEMENT OF POLICY:**

Workplace violence, including domestic violence that affects the workplace, is a serious public health, safety, and policy concern for the State of Colorado. This policy is written to support the safety of all those providing and utilizing state services and state facilities through agency-developed procedures and training. Agencies shall develop specific policies, protocols, and procedures in accordance with this document. Employees shall follow their agency's policies, protocols, and procedures.

The State does not tolerate violent behavior or the threat of violent behavior by anyone toward state employees, members of the public, state property, or facilities. Such behavior may result in corrective and/or disciplinary action if it is committed by a state employee and/or criminal charges when appropriate. This policy is not intended to preclude the use or threat of reasonable force, as defined by an employee's formal job duties, or as otherwise provided by law.

All threats to employee safety from any source, including domestic violence affecting the workplace, are taken seriously and addressed according to the mandates of this policy and related procedural directives.

Contract workers are expected to comply with this workplace policy; however, nothing in this statement is intended to create an employee/employer relationship.

## **DEFINITIONS:**

A. "Violent behavior" means any act or threat of physical, verbal, or psychological aggression or the destruction or abuse of property by any individual. Threats may include veiled, conditional, or direct threats in verbal, written, electronic, or gestural form, resulting in intimidation, harassment, harm, or endangerment to the safety of another person or property.

B. "Domestic violence" means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. An intimate relationship is a relationship between spouses, former spouses, past or present unmarried couples, same-sex couples, persons who are dating or have previously dated, or persons who are both parents of the same child regardless of whether the persons have been married or have lived together at any time. An intimate relationship does not require sexual intimacy. "Domestic violence" also

includes any violent behavior against any person or property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship. Domestic violence includes stalking, including cyberstalking.

- C. "Workplace Violence Incident Report" means a report provided by supervisors and managers describing each incident of workplace violence and/or notifications of protective orders.
1. The following minimal information, as it becomes available, should be addressed in these reports: incident description, who was involved, to whom the incident was reported, steps taken (e.g., whether legal counsel was consulted, whether C-SEAP was consulted, whether threat assessment team was consulted) outcome, further action required (e.g., reassess workplace environment, threat assessment team continues to monitor).
  2. "Updated Workplace Violence Incident Report" means an updated version of an initial Workplace Violence Incident Report, used for subsequent reporting as new information is gathered and steps are taken.

### **DUTIES and RESPONSIBILITIES:**

1. Executive Directors, or equivalent executive authorities, are responsible for creation and promulgation of departmental-specific and departmental appropriate policies, protocols, and procedures in accordance with this Universal Policy.
2. Executive Directors, or equivalent executive authorities, shall identify processes for establishing and maintaining an effective intra-departmental threat management team, or establishing protocol for accessing threat management consultation through the Colorado State Employee Assistance Program (C-SEAP) in cases suggestive of repeated, growing, or severe risk. To the extent practical, confidentiality will be maintained in cases involving domestic violence affecting the workplace.
3. Executive Directors, or equivalent executive authorities, are responsible for implementing ongoing mandatory awareness and prevention training for all employees, supervisors, and managers regarding workplace violence, including domestic violence affecting the workplace.
4. Executive Directors, or equivalent executive authorities, shall develop, based on applicable law, departmental policies, protocols and procedures addressing requirements for employees and volunteers to notify their department's appointing authority/designee if they are convicted of a crime of violence, plead guilty to a crime of violence, or are the restrained party to a permanent protection order.

5. All employees and volunteers shall immediately report to a supervisor, manager, appointing authority/designee, or the office of Human Resources any witnessed or reported act of workplace violence as defined by this policy and including domestic violence affecting the workplace.
6. Employees and volunteers who are victims of domestic violence are encouraged to report the incident/situation to their appointing authority/designee or the office of Human Resources.
7. Employees and volunteers are encouraged to notify their department's appointing authority/designee if they are a protected party to a protection order.
8. Supervisors and managers are responsible for reporting all incidents of workplace violence and notifications of protection orders to their appointing authority and their departmental Human Resources offices.
9. Appointing authorities/designees shall submit Workplace Violence Incidence Reports, including notification of protection orders, to the affected department's office of Human Resources within three days of each incident or notification.
10. Appointing authorities/designees shall take appropriate steps to assess and respond to reports of workplace violence, including domestic violence affecting the workplace. Such response may include emergency measures to secure the safety of personnel and/or premises (such as, but not limited to, obtaining protection orders and/or providing additional security personnel), non-emergency measures to ameliorate risks, instituting measures to support existing protection orders, and/or investigation and consultation to obtain additional information and identify additional interventions warranted. If an employee discloses that he/she is the victim of domestic violence, the employee shall be made aware of resources, including C-SEAP, for safety planning, counseling, appropriate referrals and support services.
11. Appointing authorities shall submit Updated Workplace Violence Incident Reports to the affected department's Human Resources unit within three business days of making a disposition, i.e., completion of steps as described in this section, action taken, outcome.
12. Each departmental Human Resources unit shall maintain documentation of all reports of workplace violence.
13. Each department shall report annual totals of workplace violence incidents, including incidents of domestic violence affecting the workplace, to the Executive Director of the Department of Personnel & Administration.

## **CENTRALIZED RESOURCES:**

In addition to this Universal Policy and individual departmental procedural guidelines:

1. The Colorado State Employee Assistance Program (Department of Personnel & Administration/C-SEAP) is available to supervisors, managers, and agencies to assist in threat assessment and intervention/amelioration planning regarding workplace violence concerns, including domestic violence affecting the workplace. C-SEAP also serves as a referral source for individual support, counseling, and referral. [1-800-821-8154 or 303-866-4314]
2. The Colorado Department of Human Services Domestic Violence Program provides consultation to supervisors, managers, and agencies throughout the State system on matters of DV awareness, assessment, and prevention. [303-866-2855]
3. The Division of Human Resources (Department of Personnel & Administration) is available for statewide policy and personnel rule guidance, including Victim Protection Leave (unpaid leave available to all state employees). 303-866-2393 or [job.eval.comp@state.co.us](mailto:job.eval.comp@state.co.us).

For a more complete list, please see Technical Guide for Developing Policies, Protocols, and Procedures related to this Universal Policy.