

KANSAS ADJUTANT GENERAL'S DEPARTMENT

MEMORANDUM FOR ALL STATE EMPLOYEES

FROM: TAG-SHRO

SUBJECT: Workplace Threats and Violence
TAG Policy No. 034-04

EFFECTIVE DATE: November 1, 2016

POLICY STATEMENT: The Adjutant General's Department follows the State of Kansas Workplace Violence policy for the safety and security of State of Kansas employees and customers. Employees have the right to expect a work environment free from offensive behavior, disruptions, harassment, or behavior that interferes with their work performance; or threats, threatening behavior, acts of violence, and related conduct which puts the employee in fear of his/her physical safety.

DEFINITIONS:

Bullying. Verbal or physical conduct by a person which harasses, disrupts, or interferes with another's work performance or creates an intimidating, offensive or hostile environment is Bullying.

Federal Facilities Property, or a portion of property, owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties are Federal Facilities. Forbes Field, Fort Riley, Fort Leavenworth, and McConnell AFB are Federal Facilities. (18 U.S.C. 930(g)(1))

Harassment. An act or behavior which makes another feel uncomfortable, offended, intimidated, oppressed or inferior is Harassment. Examples of Harassment may include jokes, threats of discipline, singling out a person for different treatment, degrading words or gestures, unwanted or hateful comments or actions.

Licensed Employee. An employee who has a valid license to carry a concealed firearm under the Kansas Personal and Family Protection Act.

Reasonable Person. An Individual who is generally fair, proper, just, moderate, and suitable under the circumstances is a Reasonable Person.

Workplace. Any place in which an employee performs the work of the Agency is a Workplace. This includes, but is not limited to, all State property such as buildings, grounds, and vehicles; meeting places and any other location where the employee may be working including property belonging to a vendor, contractor, or supplier.

Workplace Violence. Any behavior or words, whether written or spoken, that threatens other people or property and causes a Reasonable Person to feel unsafe in the Workplace, or impacts the Agency's ability to carry out its mission, is Workplace Violence.

PROCESS GUIDELINES:

Prohibited Behavior

All employees are prohibited from participating in any of the following while working:

- Aggressive Behavior, verbal or physical, which intimidates or threatens others.
- Bullying or the intentional intimidation of another person in order to assert power over another.
- Threats of violence or discipline.
- Harassment or abuse by using communication equipment or modes such as, but not limited to, cell phone, fax machine, mail services, computers, email, face book, or any other social media.
- Possession and display in the Workplace of any item that may reasonably be considered a weapon and which has no use in the Workplace.
- The unlawful display or use of a firearm or other weapon.
- The failure of an Employee to keep a concealed weapon in his/her immediate possession and control, such as, but not limited to, leaving a weapon at a desk, workstation, hand bag, or other storage container left behind in an office or workplace.
- Other behavior which, to a Reasonable Person, creates an intimidating, hostile, or fearful work environment.

Any person, who engages in any of the above behaviors will be removed from the Workplace pending the outcome of an investigation initiated by the Human Resource Director. Persons refusing to leave the workplace when directed to do so will be removed by any lawful means available.

Possession of Concealed Firearms

Federal law prohibits concealed carry of privately owned firearms on Federal Facilities.

Nothing in this policy shall prohibit an employee's lawful possession of firearms in a private vehicle, including a private vehicle parked on State Property.

Nothing in this policy shall prohibit an Employee from carrying a concealed firearm in a state office building unless the building is conspicuously posted in accordance with the rules and regulations adopted by the Attorney General.

The Employee must be in immediate control of the firearm at all times and must completely conceal the firearm at all times. Employees may not leave their firearms in or on their desk or work station or in any storage containers, or hand bags left behind in their office. Any display of a firearm in the Work Place is prohibited.

On and after July 1, 2015, the provisions of 75-7c20 and 75-7c21 apply to the lawful concealed carry of handguns by employees not licensed by the Attorney General.

Consequences for Violating Policy

Violation of this policy by State employees of the Adjutant General's Department will result in disciplinary action up to and including termination, or filing charges with law enforcement.

If the prohibited behavior is by a contract employee or member of the public, charges will be filed with the appropriate law enforcement agency.

Responsibilities

Employees shall:

- Promptly notify their supervisor or Human Resource Director of any Workplace Violence and behavior that they have witnessed and regard as threatening or violent when that behavior is job-related or in the Workplace.
- Provide their supervisor with a copy of any protective or restraining order that lists state property as a protected area.

Supervisors/Managers shall:

- Work with Human Resource Director to initiate investigations when notified of prohibited behavior and take appropriate actions for the safety of employees and others in our Workplace.
- Take appropriate action to ensure employees who report prohibited behavior are not subjected to retaliation.

Any employee who applies for or receives a protective or restraining order which lists agency locations as being protected, must provide a copy of the final order to the State Human Resource Director upon receipt.

AUTHORITATIVE REFERENCES:

KSA 12-16, 124

KSA 75-7c01 *et seq.* Kansas Personal and Family Protection Act.”

“State of Kansas Workplace Violence Policy”

“Concealed Carry Policy for State-Owned and Leased Buildings”

09/30/2015 – Memorandum: “Concealed Carry of Personally Owned Handguns.”

05/10/2011 – TAG Policy Letter #32: “Workplace Bullying.”