



# FLORIDA DEPARTMENT OF JUVENILE JUSTICE PROCEDURE

**Title:** Violence in the Workplace Procedures

**Related Policy:** FDJJ – 1003.28

## I. DEFINITIONS

**Arrest** – To deprive a person of his liberty by legal authority. Taking, under real or assumed authority, custody of another for the purpose of holding or detaining him/her to answer a criminal charge or civil demand.

**Assault** – As defined in s. 784.011, Florida Statutes, “An assault is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent.”

**Battery** – As defined in 784.03, Florida Statutes, “the offense of battery occurs when a person:

1. Actually and intentionally touches or strikes another person against the will of the other; or
2. Intentionally causes bodily harm to another person.”

**Domestic Violence** – As defined in s. 741.28, Florida Statutes, “Any assault, aggravated assault, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.”

**EAP** – The Department’s Employee Assistance Program.

**Perpetrator** – An individual who threatens or commits an act of violence, including domestic violence.

**Supervisory Referral** – Referral of an employee to the EAP by the employee’s supervisor or other appropriate authority.

**Threat** – An expression of an intention, verbal or physical, to inflict pain, injury, evil, or punishment.

**Victim** – An individual who suffers personal physical injury or emotional trauma or death as a result of a threat or an act of violence.

**Weapon** – A device, instrument or material which is used or intended to be used in the destruction of life, the infliction of bodily injury, or the destruction of property.

## II. STANDARDS/PROCEDURES

### A. Background Information:

1. The Department will provide, encourage, and promote education and training programs for all Department employees for the purpose of preventing violence in the workplace. Special

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emphasis shall be placed on workplace security and safety, and utilization of the Department's EAP.

2. Training for supervisory personnel shall include detection, appropriate personnel actions, the need for confidentiality and record keeping, and referral of employees affected by any type of violence.
3. The Director of Staff Development and Training shall be responsible for the development and coordination of these training programs.
4. Any incident of violence in the workplace, by an employee, who is the perpetrator, shall be handled in accordance with 60L-36, Florida Administrative Code, Conduct of Employees.
5. Pursuant to s. 110.1091, Florida Statutes, any communication relative to an employee's participation in an EAP or equivalent program shall be a confidential communication between appropriate personnel of the Department and the participating employee to the extent allowed by law.
  - a. Specifically, when an employee participates in an EAP as a self-referral, the EAP Provider will not provide any information to the employee's supervisor.
  - b. A supervisor referral allows the employee's supervisor to be informed whether the employee is participating in the program and cooperating with the treatment recommendations of the program counselor.
6. The Department's EAP Coordinator with the appropriate level of confidentiality, as required by s. 119.07, Florida Statutes, shall maintain Department records relating to victims or perpetrators of violence.
7. With the exception of duly authorized persons performing official State duties, the possession, use, or threat of use of a weapon is not permitted in the workplace or on State property including State vehicles. Any employee who is aware of another employee possessing a weapon at the workplace without authorization must immediately notify his/her immediate supervisor.

**B. Reporting Incidents:**

1. Employees shall report incidents or threats of incidents of workplace violence to their supervisor.
2. The immediate supervisor shall contact the Superintendent or Chief Probation Officer in the circuit or the Chief of the bureau in the headquarters office, and the Office of Inspector General's hot line (1-800-355-2280).
3. The immediate supervisor shall contact the EAP Provider (Horizon Health), the EAP Coordinator, and law enforcement, if appropriate.
4. The Superintendent or Bureau Chief shall follow-up with the employee and confers with the Senior Safety Specialist on safety measures to be taken to ensure the safety of the employee.

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5. The Superintendent or Bureau Chief shall confer with the Office of General Counsel and the Office of Inspector General to determine whether to place the employee or alleged perpetrator on leave.
6. The Office of Inspector General shall review and classify the incident and make an assessment and determination as to whether the incident will be assigned for investigation, assigned to management or assigned for other appropriate handling.
7. The EAP Coordinator shall provide information to employees regarding EAP.
8. The EAP Coordinator shall maintain confidential files pertaining to EAP matters concerning employees.
9. The EAP Coordinator shall act as the liaison between the EAP provider and the supervisor, as needed.
10. The Senior Safety Specialist shall assess incidents to ensure safety and security measures have been taken in the workplace environment.

C. Workplace violence:

1. Employees are encouraged to seek assistance through local resources or to contact the Department's EAP Coordinator.
2. The EAP Coordinator shall respond to inquiries from staff and management concerning the EAP.
3. The EAP Coordinator shall treat EAP information relative to employees as confidential.
4. The EAP Provider shall provide services to the employee.
5. The employee may file a written request with his/her immediate supervisor to take leave with or without pay, or may request adjusted work schedules or work assignments, as appropriate to provide for the safety of the employee and the workplace.
6. The immediate supervisor shall work to provide for the safety and security of staff and facility.

D. Domestic Violence:

1. The employee shall contact the Office of the Attorney General at the Toll-Free Victim Services Information and Referral line at 1 (800) 226-6667, regarding questions concerning the Address Confidentiality Program for Victims of Domestic Violence.
2. The EAP Coordinator shall respond to inquiries from staff and management concerning the EAP.
3. The EAP Coordinator shall treat EAP information relative to employees as confidential.
4. The EAP Provider shall provide services to the employee.

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**III. RESPONSIBILITY AND DUTIES**

A. Employee

1. Reports incidents or threats of incidents of workplace violence to their supervisor.

B. Immediate Supervisor

1. Contacts the Superintendents or Chief Probation Officer in the circuits or the Chief of the bureau in the headquarters office, and/or the Office of Inspector General's hot line (1-800-355-2280).

C. Superintendent, Chief Probation Officer or the Chief of the Bureau in the Headquarters Office

1. Ensures that incidents or threats of incidents of workplace violence have been reported to the Employee Assistance Program Coordinator in the Bureau of Personnel, Senior Safety Specialist in the Office of Research and Planning, and/or local law enforcement agency.

D. Office of Inspector General

1. Reviews and classifies the incident and makes an assessment and determination as to whether the incident will be assigned for investigation, assigned to management or assigned for other appropriate handling.
2. Liaisons with law enforcement on those incidents, which have been accepted, by law enforcement for investigation.

E. EAP Coordinator

1. Provides information to employees regarding EAP.
2. Maintains confidential files pertaining to EAP matters concerning employees.

F. Senior Safety Specialist

1. Reviews the incidents to ensure safety and security measures have been taken in the workplace environment.

**IV. ATTACHMENTS**

*Violence in the Workplace Policy & Procedure Acknowledgement of Receipt*