



VIOLENCE-FREE AND RESPECTFUL WORKPLACE

(INCLUDES GENERAL HARASSMENT, RETALIATION, AND WEAPONS)

POLICY HR014, EFFECTIVE 2015-07-17

POLICY STATEMENT

The Minnesota Department of Transportation (MnDOT) is committed to providing a safe and respectful workplace free from inappropriate behaviors for all employees. MnDOT employees, contractors and vendors (third parties) conducting business with MnDOT must:

- Understand the [Workplace Violence Continuum](#) and the behaviors that constitute a violation of this policy;
- Report any persons who violate this policy;
- Take appropriate action in situations that involve policy violation.

MnDOT fully adopts the [MMB Respectful Workplace](#) policy, to build and maintain a workplace that is respectful and professional toward all employees and third parties.

MnDOT’s Violence-Free and Respectful Workplace policy addresses only behavior and communication that do not involve protected class status. The [MnDOT Discrimination Policy](#) addresses harassment based on race, color, creed, religion, national origin, sex, marital status, disability, sexual orientation, age, genetic information, or status with regard to public assistance.

REASON FOR POLICY

- Identify the types of behavior that constitute workplace violence
- Define roles and responsibilities of all MnDOT employees and third parties
- Clarify reporting procedure for policy violation.

WHO NEEDS TO KNOW THIS POLICY?

- All MnDOT employees
- All third parties conducting business with MnDOT

DEFINITIONS

Formal Complaint

A formal complaint is a written statement of workplace concern that alleges violation of this policy by an employee or third party.

SENIOR OFFICER

Tracy Hatch

Deputy Commissioner/CFO/COO

POLICY OWNER

Karin van Dyck

Director, Office of Human Resources

POLICY CONTACT

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Labor Relations Manager

Office of Human Resources

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651-366-3404

POLICY HISTORY

2015-07-17, Established

[MnDOT Policy Website](#)

General Harassment

Conduct that has the effect of unreasonably interfering with the employee's work performance, behavior made with the intent to cause fear, or creating an intimidating, hostile, or offensive work environment. Legitimate job-related efforts of a supervisor to direct or evaluate an employee or to have the employee improve his or her performance are not general harassment.

Professionalism

Professionalism is a display of good judgment and proper behavior expected in the workplace from employees and third parties.

Respectful Behavior

Positive interactions with employees and third parties, in a manner that a reasonable person finds appropriate.

Retaliation

Adverse action response to an employee's participation in a complaint, report, investigation, or lawsuit about workplace violence (protected activity).

Third Party

A third party is a contractor or vendor conducting business with MnDOT.

Weapon

Weapon is anything intended to harm or intimidate another person. Examples may include, but are not limited to, all firearms, non-firearms such as knives, martial arts devices, explosives, combustible devices, and chemical substances.

Workplace Violence Continuum

Violence or inappropriate behaviors that range from bullying, verbal abuse, arguments, property damage, vandalism, sabotage, pushing, theft, physical assaults, rape, and arson, to murder. Workplace violence can occur while on state property or while performing work for MnDOT at any location, by a state employee, third party, or the public.

PROCEDURES

Obligation to Report Workplace Violence

In a life-threatening situation, call 9-1-1 or other emergency contact at the work location, if making the call does not pose a risk to the well-being of the employee.

Any employee who is the subject of, or who witnesses workplace violence must immediately report the incident in one or all of the following ways:

- Report the behavior to his/her supervisor, manager or Human Resources office;
- Submit a completed [Violent Incident Report Form](#) to the Human Resources Office;
- Report by using the [Report Wrongdoing/Questionable Activity Form](#); the information reported must include the details of the situation.

Any employee who violates this policy or is found to have witnessed an act of workplace violence and did not report it may be subject to discipline, up to and including discharge. Violation of this policy by third parties conducting business for MnDOT may jeopardize their contractual relationship with the agency.

Informal Resolution

Any employee can choose to explore options with Human Resources to address concerns.

- The employee subjected to inappropriate behavior should have a conversation with the other individual(s) involved whenever possible, if it does not pose a risk to the well-being of the employee;
- The employee is encouraged to speak with his/her supervisor, Human Resources, union representative, or Employee Assistance Program (EAP) for assistance or guidance on how to resolve the situation;
- If the concern is about a supervisor or manager, employees may contact Human Resources, union representative or EAP to discuss options for resolution.

Formal Complaints

A formal complaint must be submitted in writing to Human Resources and include the details of the situation. As with all investigations alleging employee misconduct, investigations related to this policy will occur in a timely, fair, and objective manner. ***This process does not supersede any applicable grievance or dispute resolution process under a collective bargaining agreement or plan.***

- Complaints must be submitted to the Human Resources Office, and include the details of the situation;
- The person receiving a complaint must acknowledge receipt of the complaint in writing;
- A prompt review of the complaint will be conducted and addressed;
- All data associated with a complaint, including any investigation and any outcome is government data, [Minnesota Statutes Chapter 13](#), Government Data Practices Act governs the release or non-release of data.

Retaliation

Any employee who perceives retaliation because he or she filed a complaint about workplace violence should immediately contact the Human Resources Office, Labor Relations.

RESPONSIBILITIES

Employees

- Conduct one's self in a manner that demonstrates professionalism and respect for all others while working for and representing MnDOT;
- Be familiar with this policy and understand the meanings and definitions included;
- Document and report all behaviors or incidents that may violate this policy to a manager, supervisor, or Human Resources Office;
- Fulfill all mandatory training requirements:
 - Respectful Workplace (*MnDOT employees*)
 - Workplace Violence Prevention (*MnDOT employees*)
- Cooperate in investigations of alleged violations of this policy, including investigations of general harassment, inappropriate behaviors, weapons, and retaliation.

Managers/Supervisors *In addition to the responsibilities of Employees (as described above)*

- Be familiar with this policy to achieve and maintain compliance with this policy;
- Document and take timely and appropriate action when a complaint is made alleging violations of this policy and collaborate with Human Resources in the process;
- Ensure employees fulfill mandatory training requirements:
 - Respectful Workplace (*MnDOT employees*)
 - Workplace Violence Prevention (*MnDOT employees*)

Human Resources Offices

- Assist with the resolution and investigation of inappropriate behaviors that may violate this policy;
- Provide consultation to employees, supervisors, and managers on options and the appropriate course of action, to including guidance regarding resources for alternative solutions;
- Provide consultation to employees, supervisors, and managers on applicable rules, policies, procedures, and learning opportunities;
- Design and provide mandatory training, offer resources and/or training to assist employees in dealing with situations that may lead to potential violence.

Third Parties (contractor or vendor)

- Conduct one's self in a manner that demonstrates professionalism and respect for all others while working with MnDOT and the public;
- Refer to the [MnDOT Policies](#) webpage to become familiar with all of MnDOT policies;
- Document and report all behaviors or incidents that may violate this policy;
- Cooperate in investigations of alleged violations of this policy including investigations of general harassment, inappropriate behaviors, weapons, and retaliation.

FORMS/INSTRUCTIONS

[Violent Incident Report Form](#)

[Report Wrongdoing/Questionable Activity Form](#)

RELATED INFORMATION

[MnDOT Violent Incident Advisory Team \(VIAT\)](#)

[MnDOT Discrimination Policy](#)

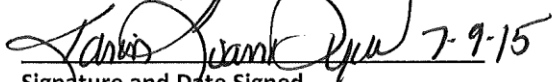
[Minnesota Statutes §609.02, Subd.6](#) *Dangerous Weapons*

[Employee Assistance Program \(EAP\)](#)

POLICY OWNERSHIP AND AUTHORIZATION

Policy Owner

Karin van Dyck, Director, Office of Human Resources

 7-9-15
Signature and Date Signed

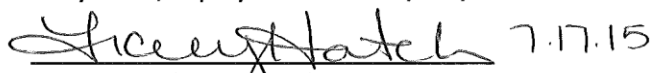
Governance Council

Sue Stein, Director, Corporate Services Division

 7-16-15
Signature and Date Signed

Responsible Senior Officer

Tracy Hatch, Deputy Commissioner/CFO/COO

 7.17.15
Signature and Date Signed