

Civility in the Workplace: Procedures

Authority

This VDH policy is pursuant to the authority provided in §2.2-1201 of the Code of Virginia and Department of Human Resource Management (DHRM) Policy [2.35 – Civility in the Workplace](#). This policy supersedes VDH Policy OHR 2.30 – Workplace Harassment.

Related Policies & Resources

DHRM Policy 2.05 – Equal Employment Opportunity
DHRM Policy [2.35 – Civility in the Workplace](#)
DHRM Policy 1.60 – Standards of Conduct
VDH Policy 2.05 – Equal Employment Opportunity
VDH Policy 2.35 – Civility in the Work Place: Procedures

Policy History

EFFECTIVE DATE	DESCRIPTION
11-16-20	Policy established.

Procedures

VDH adheres to the following procedures concerning civility in the [workplace](#) and [prohibited conduct](#):

1. Complaint Procedures

a. Responsibilities

- i. **The Director of the Office of Human Resources (OHR):** The OHR Director is responsible for interpreting this policy and investigating or guiding the investigation of complaints of [prohibited conduct](#).
- ii. **Supervisors and Managers:**
 - Promptly notifying the OHR EEO/Employee Relations Team of any complaints related to prohibited conduct or behavior; ensuring the complaints of [prohibited conduct](#) or behavior are investigated; and taking immediate corrective action when appropriate.
 - Taking immediate action to stop any actions, conduct, or behavior that may be considered [prohibited conduct](#) or [retaliation](#) against individuals or groups, which exercise their rights under this policy of which they are aware.
 - Expressing strong disapproval of all forms of [workplace harassment](#).

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- iii. **EEO/Employee Relations Team:** The EEO/Employee Relations Team is responsible for investigating any complaints of prohibited conduct or behavior.

b. Filing a complaint of prohibited conduct

- i. Employees, applicants for employment or volunteers, may file a complaint with any VDH supervisor, manager, Health District Director, Office Director, SBS HR Manager, the VDH EEO/Employee Relations Team, the Director of OHR, or the State Health Commissioner.
- ii. An employee or applicant for employment may follow the Commonwealth Employees' Discrimination Complaint Procedure, which is administered by the Office of Equal Employment Services within the DHRM.
- iii. Eligible employees may use the State Employee Grievance Procedure, which is administered by the Department of Dispute Resolution.
- iv. Employees and applicants for employment may file a complaint with the United States Equal Opportunity Commission.
- v. Those wishing to file a grievance may contact the [Advice Line](#), administered by Office of Employee Dispute Resolution to discuss concerns and be advised of options and procedures.
- vi. Those wishing to file a discriminatory complaint may contact the [800 number](#) administered by the Diversity, Equity, and Inclusion Unit.
- vii. **Under no circumstances shall the individual alleging [prohibited conduct](#) be required to file a complaint with the alleged harasser.**

2. Safety Protocols

- a. **Confidentiality:** In order to ensure the safety of all employees who comply with this policy, any information related to acts or potential acts of workplace violence and the VDH response to it will only be discussed on a need to know basis.

b. Preventing workplace violence

i. Employee responsibilities

- It is every employee's responsibility to prevent violence in the workplace. Employees are often in a better position than management to know what is happening with those with whom they work. An employee is to report to

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his or her supervisor/manager what s/he sees or hears in the workplace that may indicate a coworker, volunteer or third party is about to commit or be the victim of a violent act.

- An employee who secures a Court Protective Order against anyone is encouraged to notify his or her supervisor/manager and the VDH Office of Human Resources (OHR) of the Order.

ii. Management Responsibilities

- District/Office Directors or supervisors/managers who are notified of a court protective order or a potential violent situation in a work unit shall take steps, in consultation with OHR and the appropriate Deputy Commissioner, to assure the safety and anonymity of the individual reporting the situation;
- District/Office Directors or supervisors/managers informed by an employee in the course of counseling or disciplinary action that the job performance or conduct is the result of domestic violence, or threats of violence from third parties or fellow employees shall consult with OHR and the appropriate Deputy Commissioner on appropriate action.
- District/Office Directors or supervisors/managers notified about a potential problem in another work area/unit shall immediately share the information with OHR, the appropriate Deputy Commissioner and the supervisor/manager of the work unit/area in which the situation exists.
- District/Office Directors or supervisors/managers of potentially affected work units/areas, in consultation with OHR and the appropriate Deputy Commissioner, shall determine what interventions (if any) should be implemented. These may include such actions as counseling an employee or volunteer about the observed behavior, offering information about and referral to Employee Assistance Program services, enhancing the security of the work area and/or building, or having a warning signal so employees are aware when there is a present danger.

iii. EEO/Employee Relations Team

- Coordinates biennial trainings on the prevention and reporting of workplace violence with Capitol Police, the VDH Division of Injury and Violence Prevention, and other training resources such as the local police department's Domestic Violence Unit;
- Identifies workplace violence prevention resources and has them placed and periodically updated on the OHR website.

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- Disseminates information to the agency on suicide and workplace violence prevention.

c. Responding to acts or threats of workplace violence

i. Employee Responsibilities:

- An employee who becomes aware of an act or threat of workplace violence shall immediately report it to his/her supervisor/manager. (If the supervisor/manager is the alleged perpetrator, the incident shall be reported to the next level of supervision.)
- If the act represents an immediate threat of harm to any individual, the employee reports it without delay to law enforcement authorities by dialing 911 or the appropriate police phone number. (In the Central Office staff are to call Capitol Police at 786-2120 or 911.)

ii. Management Responsibilities:

- In consultation with OHR and the appropriate Deputy Commissioner, the District/Office Director or supervisor/manager shall intervene in on-going acts where there is not an immediate threat of physical injury and attempt to defuse the situation.
- The supervisor/manager shall complete the Workplace Violence Initial Report form (Attachment #2) by the close of business the next business day reporting the incident. The form is forwarded to his or her District or Office director or the director's designee, the Human Resources Director and to the designated VDH Workplace Violence Prevention Officer in OHR.

- #### iii. EEO/Employee Relations Team Responsibilities:
- EEO/Employee Relations Team will coordinate Employee Assistance Program services and Critical Incident Stress Management services for employees and volunteers affected by the incident.

d. Investigating incidents of workplace violence

- i. For incidents involving law enforcement officers, an investigation by the law enforcement agency will take precedence over any VDH internal investigation. When the law enforcement agency does not perform an investigation, VDH will do so.

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- ii. All internal investigations of incidents of workplace violence will be handled in the strictest of confidence. Employees involved in the investigation of the incident will be reminded not to share information related to the matter.
- iii. **Employee Responsibilities:** All employees shall cooperate with any investigation of workplace violence. As necessary, employees will provide statements regarding any incident of workplace violence in which they were involved or which they witnessed.
- iv. **Management Responsibilities:**
 - For incidents not involving law enforcement, investigation of reported incidents of workplace violence shall be conducted by the office/health district Business Manager in consultation with OHR. The investigation shall be conducted on an immediate, priority basis in a manner consistent with the concepts of confidentiality, impartiality, and due process.
 - The office/district Business Manager will obtain any necessary statements from the individuals involved in the incident and any witnesses.
 - The office/district Business Manager shall submit a full report of the investigation of the incident, including witness statements and recommendations for any actions in response to the event, to the district or office director or his/her designee, the Human Resources Director, and to the VDH Workplace Violence Prevention Officer.
 - In consultation with VDH OHR and the office/district Business Manager the supervisor/manager of the affected work unit shall take prompt and appropriate disciplinary action as soon as is reasonably possible in accordance with Department of Human Resource Management's Policy #1.60, "Standards of Conduct".
- v. **EEO/Employee Relations Team:** The EEO/Employee Relations Team will maintain a confidential file of all workplace violence incidents reported and when practicable perform an analysis of the events to determine if there are discernable patterns which might be addressed by agency action.

Glossary

Prohibited Conduct

Bullying: Disrespectful, intimidating, aggressive and unwanted behavior toward a person that is intended to force the person to do what one wants, or to denigrate or marginalize the targeted person. The behavior may involve a real or perceived power imbalance between the aggressor and the targeted person. The behavior typically is severe or pervasive and persistent, creating a hostile work

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environment. Behaviors may be discriminatory if they are predicated on the targeted person's protected class (e.g., using prejudicial stereotyping or references based on the targeted person's characteristics or affiliation with a group, class, or category to which that person belongs, or targeting people because they are in a protected class).

Cyber-Bullying: Using technology to intentionally harm others through hostile behavior, threatening, disrespectful, demeaning, or intimidating messages. Bullying that occurs via the Internet, cell phones, or other devices (e-mails, IMs, text messages, blogs, pictures, videos, postings on social media, etc.). Pretending to be the victim or spreading rumors or visual images online in order to denigrate or marginalize the targeted person. Behaviors may be discriminatory if they are predicated on the targeted person's protected class (e.g., using prejudicial stereotyping or references based on the targeted person's characteristics or affiliation with a group, class, or category to which that person belongs, or targeting people because they are in a protected class).

Discriminatory Workplace Harassment [Harassment illegal under equal employment laws]:

- **Discriminatory Harassment:** Any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, political affiliation, veteran status, or disabilities, that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation.
- **Sexual Harassment:** Any unwelcome sexual advance, request for sexual favors, or verbal, written or physical conduct of a sexual nature by a manager, supervisor, co-workers or non-employee (third party).
- **Quid pro quo:** A form of sexual harassment by a manager/supervisor or a person of authority in which an employee's receipt of a job benefit or the imposition of a tangible job detriment is conditioned on the employee's acceptance or rejection of the harassment.
- **Hostile work environment:** A form of sexual harassment when a victim is subjected to unwelcome and severe or pervasive repeated sexual comments, innuendos, touching, or other conduct of a sexual nature that creates an intimidating or offensive place for the employees to work.

Non-Discriminatory Workplace Harassment [Harassment not based on protected classes]: Any targeted or directed unwelcome verbal, written, social, or physical conduct that either denigrates or shows hostility or aversion towards a person not predicated on the person's protected class.

Protected classes: Groups, classes, or categories of people articulated in the Governor's [Executive Order Number One 2018 \(EO-1\)](#), by the [Equal Employment Opportunity Commission](#) (EEOC), and in the [Virginia Human Rights Act \(2020\)](#) protected by law from discrimination based upon race (including hair texture, hair type, and protective hairstyles such as braids, locks and twists), sex, color, national origin, religion, sexual orientation, gender identity or expression, age, veteran status, political affiliation, disability, genetic information, and pregnancy, childbirth or related medical conditions.

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Retaliation: Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group exercising rights under this policy.

Third Parties: Individuals who are not state employees, but who have business interactions with state employees. Such individuals include, but are not limited to: Customers, clients, students, interns, vendors, contractors, volunteers, applicants for state employment or services, and the general public.

Workplace: Any location, either permanent or temporary, where an employee performs any work-related duty or is representing the agency in this capacity. This includes, but is not limited to, the buildings and surrounding perimeters, including the parking lots, field locations, alternate work locations, clients' homes or offices, outside meetings, conferences and conventions, and travel to and from work assignments. It also applies to written, verbal, or graphic communications delivered in person, via phone, message, computer, or social media.

Workplace Violence: Any physical assault, threatening behavior, or verbal abuse occurring in the workplace by employees or third parties. Threatening behaviors create a reasonable fear of injury to another person or damage to property or subject another individual to extreme emotional distress.

Policy Administration

Reviewer: _____
Signature on File
Deputy Commissioner for Administration

Date: 12-23-20

Approver: _____
Signature on File
State Health Commissioner

Date: 12-23-20

Contact(s):

Contact Name: Rebecca Bynum
Contact Title, Contact's Office/Division: Director, Office of Human Resources
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CERTIFICATE OF RECEIPT

Attachment A

Your signature below indicates your receipt of Department of Human Resource Management Policy No. 2.35 – Civility in the Workplace and VDH Policy 2.35 – Civility in the Workplace. Your signature only acknowledges that you have received and read these policies (or had them read to you), and that you understand that VDH and the Commonwealth of Virginia strictly forbid workplace harassment (including sexual harassment), bullying (including cyber bullying), and work place violence of any kind in state government agencies.. Violations may result in formal disciplinary action pursuant to DHRM Policy 1.60 – Standards of Conduct. Your signature does not imply agreement or disagreement with the policy itself. If you refuse to sign this certificate of receipt, your supervisor will be asked to initial this form indicating that a copy has been given to you.

Employee's Name (please print): _____

Employee's Signature: _____

Date _____