

Case Service Memo: 2011-01

Subject: USOR Workplace Safety Policy

To: All Staff

From: Kyle Walker, Case Service Director

Date Issued: 03/23/2011

Effective Date: 03/23/2011

Policy Statement:

USOR is required by law to provide and maintain a safe workplace for its employees and to do everything reasonably necessary protect the life and safety of its employees. USOR is committed to providing a safe work environment not only for its employees, but also for its consumers and all who may be on USOR premises.

The purpose of this policy is to help ensure that USOR consumers are able to receive services and USOR employees are able to perform their duties within the safest environment possible. USOR is committed to eliminating violence, the threat of violence, physical and otherwise, and any other disruptive behavior at USOR workplaces. USOR does not tolerate violence, the threat of violence, physical or otherwise, or any other disruptive behavior in its workplaces.

USOR will immediately report to local law enforcement any incident of violent or other disruptive behavior that poses an imminent risk of physical harm. USOR will pursue appropriate legal action against persons who engage in violent, threatening, or disruptive behavior. A person who engages in disruptive behavior will be asked to leave the premises immediately; if s/he fails to comply, USOR may call local law enforcement for assistance.

The USOR District Director/Unit Supervisor, in consultation with the Field Service Director, or other appropriate chain of command, will determine the need for subsequent action. For *consumers*, depending on the severity of the violation, this may include: reassignment of counselor, suspension of services, termination or denial of services, setting remediation requirements prior to re-application, and/or application for an appropriate restraining order/civil stalking injunction. Consumers who disagree with the action taken by USOR have the right to due process including an administrative review and fair hearing. For *employees*, subsequent action may include disciplinary action, up to and including termination.

Incidents of violence, threats of violence, or disruptive behavior directed toward USOR employees shall be documented in writing and reported to the USOR Field Service Director and Case Service Director or other appropriate

chain of command. If warranted, the USOR Administrative office shall initiate criminal charges.

If a consumer or her/his representative (including family members) has engaged in violent, threatening, or other disruptive behavior, USOR employees are released from normal service responsibilities until the assurance of safety has been restored. The Field Service Director shall inform the consumer in writing of the interruption, suspension, or termination of vocational rehabilitation services as a result of the violent, threatening, or other disruptive behavior. The Field Service Director shall also determine if the assurance of safety has been restored before resuming or initiating vocational rehabilitation services.

The assurance of safety is established through the following procedure:

1. If the individual who has engaged in violent, threatening, or other disruptive behavior is a consumer or potential consumer, s/he must participate in documented and appropriate counseling or therapy with a licensed third party professional; and
2. S/he must express directly to the affected party or parties why the behavior was not acceptable and not appropriate; and
3. S/he and USOR must successfully negotiate the conditions of the resumed or initiated service relationship.

If an advocate for a consumer or potential consumer engages in violence, s/he will be barred from USOR premises.

If an advocate for a consumer or potential consumer threatens violence or engages in other disruptive behavior, the advocate may be barred from USOR premises. If so barred, the advocate, in order to be allowed back on USOR premises, must apologize in writing with specific reference to the event/s and declare that s/he will not again engage in any threatening or other disruptive behavior. If the advocate again engages in threatening or other disruptive behavior, s/he will be barred from USOR premises and USOR may report that individual to the appropriate law enforcement agency.

Violence is defined as any action, including speech, which injures, damages, or abuses a person or property and includes, but is not limited to, the use of physical force or other disruptive behavior.

Violent behavior includes, but is not limited to:

- Physical abuse, such as hitting, punching, kicking, biting, shaking, spitting, choking, or poking;
- Verbal abuse, including name calling, bullying, threatening, swearing, or lewd or obscene comments that humiliate or intimidate;

- Sexual abuse or harassment or any lewd, indecent, or obscene conduct;
- Stalking, which is knowing or purposeful behavior that causes another person substantial emotional distress or reasonable apprehension of bodily injury or death either by repeatedly following the stalked person or harassing, threatening, or intimidating the stalked person, in person or by mail, electronic communication, or any other action, device, or method;
- The possession on USOR property of any weapon that the carrier is not lawfully authorized/permitted to carry;
- Any behavior that threatens the health or safety of USOR consumers, USOR employees, or anyone else on USOR premises or damage to their personal property; and
- Any behavior that threatens the health or safety of the family of any USOR consumer or employee or damage to their personal property.

Threat means a menace, however communicated, to:

- (a) inflict physical harm on the person threatened or any other person or on property;
- (b) subject any person to physical confinement or restraint;
- (c) commit a criminal offense;
- (d) accuse a person of a criminal offense;
- (e) expose a person to hatred, contempt, or ridicule;
- (f) harm the credit or business repute of a person; or
- (g) reveal information sought to be concealed by the person threatened.

A threat may be direct (e.g., "I am going to harm you."); conditional (e.g., "If [statement of a condition precedent], then I will harm you."); or veiled (e.g., a threat that is made with body language, gestures, or words that suggest harmful action, such as "I'm going to make you sorry you ever crossed me.").

Disruptive behavior includes any action that more than incidentally hampers USOR's ability to conduct business. Disruptive behavior includes, but is not limited to:

- Harassment, including harassing phone calls. *Harassment* is repeated unwelcome or uninvited physical or verbal activity that bothers, pesters, disturbs, annoys, persecutes, or torments a person and results in worry or distress to that person or creates an unpleasant or hostile situation;
- Use, possession, sale, or distribution of alcohol or illegal drugs while on USOR premises;

- While on USOR premises, the use, possession, sale, or distribution of legal drugs to which the user, possessor, seller or distributor does not have a legal right;
- Being under the influence of alcohol or illegal drugs while on USOR premises;
- While on USOR premises, being under the influence of legal drugs, if it causes the user to behave in a manner which materially interferes with the USOR's ability to conduct business;
- Unwelcome sexual contact;
- Theft of or damage to property;
- Refusal to leave USOR premises when asked to do so;
- Interference with the transaction of USOR business, whether by coercion, force, intimidation, or any other means; and
- Repeated use of foul, vulgar, or profane language.

USOR is committed to training its employees to recognize and reduce any actions or attitudes on their part that may inadvertently antagonize or provoke a consumer to become violent or disruptive. USOR is also committed to providing its employees with the skills to identify and defuse, if at all possible, a potentially volatile situation before it escalates to violence.

Acknowledging these commitments, however, shall not be taken to lessen in any measure USOR's commitment to providing a safe workplace environment. Neither shall such acknowledgment be taken to lessen its commitment to helping consumers comport themselves in a manner that is consistent with ensuring success in employment. Because employers will not tolerate violence, the threat of violence, and other disruptive behavior in the workplace, the expectation that USOR consumers not engage in such behaviors is consistent with the goal of making USOR consumers employable and ready for workplace success.