

WORKPLACE VIOLENCE

I. Purpose

This Directive establishes Department of Homeland Security (Department or DHS) policy, responsibilities, and requirements for preventing and addressing issues related to workplace violence. The Department strives to promote a safe and non-threatening work environment and to improve workplace responses to domestic violence, sexual assault, and stalking experienced by its workforce. Therefore, the Department is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

II. Scope

- A. This Directive applies throughout DHS, unless exempted by statutory or federal regulatory authority.
- B. This Directive supersedes the July 11, 2006, memorandum from the Secretary, Department of Homeland Security Workplace Violence Prevention Procedures.

III. Authorities

- A. Title 5, Code of Federal Regulations (CFR), Part 735, Employee Responsibilities and Conduct
- B. 29 CFR, Part 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters
- C. Interagency Security Committee, [Violence in the Federal Workplace: A Guide for Prevention and Response](#), April 2013
- D. Presidential Memorandum, [Establishing Policies for Addressing Domestic Violence in the Federal Workforce](#), April 18, 2012
- E. Office of Personnel Management (OPM), [Guidance for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies](#), February 2013

IV. Responsibilities

A. **DHS Chief Human Capital Officer (CHCO)** issues the Department's policy on workplace violence as well as workplace-related incidents of domestic violence, sexual assault, and stalking, consistent with applicable laws and regulations, Presidential Memoranda, and OPM guidance.

B. **Component Heads:**

1. Ensure the Component has a program addressing workplace violence, as well as workplace-related incidents of domestic violence, sexual assault, and stalking as outlined by this Directive and the accompanying Instruction, applicable laws and regulations, Presidential Memoranda, and OPM guidance;
2. Designate the official(s) responsible for investigating alleged workplace violence incidents; taking appropriate action; providing information, support, and assistance to managers and employees; and reporting incidents to the Component Head. Ensure that employees are provided information about and direct access to designee(s);
3. Designate the official(s) responsible for managing issues related to workplace-related domestic violence, sexual assault, and stalking; taking appropriate action; and providing information, support, and assistance to managers and employees, and compiling any necessary documentation. Ensure that employees are provided information about and direct access to designee(s);
4. Hold employees at all levels in the organization accountable for creating a safe and non-threatening environment that discourages any form of workplace violence and encourage help-seeking behaviors such as using the Employee Assistance Program (EAP); and
5. Provide reports to the DHS CHCO, upon request, about incidents and responses, as detailed in Instruction 256-03-001.

C. **Executive Director, Headquarters Human Resources Management and Services**, assumes the responsibilities listed under section IV.B. for all Support Components with the exception of the National Protection and Programs Directorate (NPPD), the Office of Inspector General (OIG), and Federal Law Enforcement Training Center (FLETC).

D. **Heads of NPPD, OIG, and FLETC** assumes the responsibilities listed under section IV.B. for their respective Support Component.

E. **DHS Chief Security Officer** provides DHS-wide policy and guidance addressing protection of and access to facilities and real property, as well as personnel suitability and security in order to minimize the potential for workplace violence and workplace-related incidents of domestic violence, sexual assault, and stalking.

F. **Office for Civil Rights and Civil Liberties** provides DHS-wide policy and guidance related to harassment and equal employment opportunity issues.

G. **Component Human Resources Directors:**

1. Administer the Component's workplace and domestic violence programs, consistent with this Directive and Instruction 256-03-001, Component guidance, applicable laws and regulations, Presidential Memoranda, and OPM guidance, and tailor procedures to meet their specific Component's workforce needs;
2. Provide information, support, and assistance to managers and employees on the prevention of, and response to, workplace violence and workplace-related domestic violence, sexual assault, and stalking;
3. Develop and communicate strategies and procedures to manage workplace violence incidents that occur, including clearly communicating expectations of what employees should do if they are involved in or witness an incident, what resources are available for immediate and post-incident support, and what recourse they have if anyone in their chain of command is involved and/or unresponsive; and
4. Develop and communicate strategies and procedures to address workplace-related incidents of domestic violence, sexual assault, and stalking in order to minimize risk and maximize safety for all involved. These incidents may be related to employees as victims, or as perpetrators.

V. Policy and Requirements

A. **Policy:**

1. DHS is committed to ensuring a safe and non-threatening work environment for its employees.
2. This Directive and Instruction 256-03-001 cover prohibited behaviors, including, but not limited to:
 - a. Acts of physical violence;
 - b. Direct threats or physical intimidation;

- c. Verbal and nonverbal intimidating behavior;
- d. Implications or suggestions of violence;
- e. Possession of dangerous weapons on agency premises, including parking lots, other exterior agency premises, or while engaged in activities in other locations or at agency-sponsored events, unless such possession or use is a requirement of the job or specifically authorized under 18 United States Code § 930;
- f. Assault of any form;
- g. Physical restraint or confinement;
- h. Dangerous or threatening horseplay;
- i. Loud, disruptive, or angry behavior or language that is clearly not part of the typical work environment;
- j. Blatant or intentional disregard for the safety or well-being of others;
- k. Commission of a violent felony or misdemeanor on agency property; and
- l. Any act that a reasonable person would perceive as constituting a threat of violence.

3. The Department recognizes that workplace violence can also include incidents outside of work that affect the workplace, such as domestic violence and stalking. DHS employees who are victims of such violence are given workplace-based support and assistance in order to protect their safety and well-being to the extent possible.

4. All reports of alleged workplace violence and workplace-related domestic violence, sexual assault, and stalking are taken seriously and dealt with appropriately. Individuals committing such acts in the workplace may be removed from the premises, subject to disciplinary or other adverse action (up to and including removal from federal service), and subject to arrest and/or prosecution.

B. Requirements:

1. Workplace violence programs address prevention, intervention, and response, but also provide support and assistance to affected individuals and/or organizations in the aftermath of any workplace violence incident.

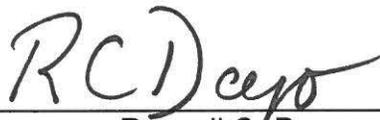
2. Preventing workplace violence requires a commitment from management and employees at all levels to create a safe and non-threatening work environment.
3. All reports of suspected workplace violence are taken seriously and are investigated and addressed by management.
4. Managers and employees are informed about what steps to take if they experience, witness, or feel there is the potential for workplace violence or workplace-related domestic violence, sexual assault, or stalking, based on their organization's clear policies and procedures. As this may vary depending on organization and location, communication and instructions should be tailored accordingly.
5. Management at all levels recognizes the detrimental effects domestic violence, sexual assault, and stalking can have on individual employees and the organization, and provides victims with referrals to the EAP and other local and national resources, appropriate use of work scheduling flexibilities, leave, enhanced security measures, and other assistance as necessary.

C. **Component Workplace Violence Programs**: Workplace violence guidance and/or programs developed by DHS Components are to comply with this Directive and Instruction 256-03-001.

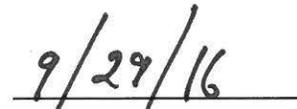
D. **Disclaimer**. This Directive and Instruction 256-03-001 are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities; its officers, employees, or agents; or any person.

VI. Questions

Address any questions or concerns regarding this Directive to the Office of the Chief Human Capital Officer.



Russell C. Deyo
Under Secretary for Management



Date