EVALUATING AND RESPONDING TO THREATS OF WORKPLACE VIOLENCE

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16TH ANNUAL LAW & HIGHER EDUCATION CONFERENCE
Clearwater Beach, Florida
February 12-14, 1995

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INTRODUCTION

Over the last several years, employers have been forced to face the reality that the threat of workplace violence is real. We read and hear about it all the time, almost on a daily basis. There were the postal workers that were killed in Detroit and on the West Coast by disgruntled employees. Firemen's Fund had three of their employees shot and killed by a former employee who had been fired over ten months earlier. A dissatisfied client returned to a San Francisco law firm, got off on the wrong floor, and killed nine people. The father of a plaintiff who lost a sex harassment case killed the federal judge who made the decision. An unhappy employee who thought his employer was trying to force him out of his job by increasing production levels he could not meet because he had carpal tunnel syndrome, came in, pulled out a gun, and killed the Human Resources Manager.

Such violence has been going on for some time. The only difference now is that the problem is more visible and has now grown to where many are calling it a national occupational, health and safety hazard of epidemic proportions.

The facts and statistics are staggering. Consider the following:

- Homicides were the third leading cause of workplace fatalities from 1980 through 1989. (Source: National Institute for Occupational Safety and Health ("NIOSH")).

- Homicides rose to the second leading cause of occupational deaths in 1992. In that year, there were 6,083 fatal workplace injuries; 17% of them were the result of homicide. (Source: Bureau of Labor Statistics).

- Homicide is the leading cause of workplace deaths in New York City and Los Angeles County. It ranks third in New York State, Georgia and Illinois.

- Women are more likely victims of workplace homicide than men: 41% of female deaths in the workplace result from homicide, as compared to 10% of male deaths.

- Employees are about twice as likely to be attacked in the workplace by customers as by co-workers. Almost 68% of workplace violence can be attributed to clients, patients and other strangers. Specifically, customers cause 44% of the violent attacks, strangers cause 24%, co-workers cause 20%, and the boss or employer is responsible for 7%. (Source: Northwestern National Life Insurance Company, Report October 18, 1993).

- Estimates are that 2 million workers experience physical attacks in the workplace per year. Another 6.3 million are threatened, and 16.1 million are harassed. (Source: Northwestern National Life Insurance Company Report: October 18, 1993).

- It is estimated that the total cost to employers of lost work time and legal expense resulting from workplace violence was approximately $4.2 billion in 1991 alone. (Source: National Safe Workplace Institute).

EMPLOYER'S LIABILITY TO THIRD PARTIES FOR WORKPLACE VIOLENCE

Respondeat Superior

Historically, employers have only been held responsible for unlawful or improper acts of their employees under the doctrine of *respondeat superior*. This has meant employers would be held legally responsible for acts of their employees only if those acts were committed within the scope of their employment. Thus,

employers generally would not be found liable for an employee's act of violence, since such acts would be considered outside the scope of his/her employment and not in furtherance of the employer's interests.

However, courts have included within the definition of "scope of employment" acts which are done as a result of some impulse or emotion that naturally grows out of, or is incident to, the attempt to perform the employer's business, and which did not arise wholly from some external, independent, and personal motive on the part of the employee. Liability has been imposed where the acts, though motivated by passion or infirmity in the employee, are part of the same transaction as the employer's business. Under this broad definition, intentional assaults by employees may be within the scope of employment if they were not wholly motivated by the employee's desire to further his personal interests.

Examples of situations where an employer has been found liable under the respondeat superior theory include:

- University held vicariously liable for its employee's rape of minor who participated in a program the university sponsored and conducted on campus for 12 to 16-year-olds even though employee was technically off duty at the time because he was in the facility for a job-related purpose. Dismuke v. Quaynor, No. 25482 - CA, slip op. (La. App. 2 Cir. April 5, 1994)

- Bartender's assault on an unruly patron imputed to owner. Market Tavern, Inc. v. Bowen, 610 A.2d 295 (Md.App. 1992), cert. denied 614 A.2d 84 (1992).

- Employer liable for rape of a customer in her home by deliveryman if rape was result of a dispute that occurred during course of delivery rather than mere lust of deliveryman. Lyon v. Carey, 553 F.2d 649 (D.C. Cir. 1976).

- Employer vicariously liable for assault by employee that arose out of argument over his service/delivery to victim's grocery store. Lange v. Nat'l Biscuit Co., 297 Minn. 399, 211 N.W. 2d 783 (1973).

- Employer of a messenger liable to elevator operator who was assaulted by messenger when the elevator operator told him to remove his bicycle from the lobby of the building. Ogilby v. Eskey, 121 A.2d 265 (D.C. 1956).

Negligent Hiring and Retention

The general principle that an employer is not liable for acts of violence committed by its employees has been eroded by common law tort theories such as negligent hire and retention, which have been used to hold employers responsible for acts of employees that clearly occur outside the scope of their employment but are somehow connected to the workplace.

The courts in 30 states have recognized a tort claim for negligent hiring or negligent retention of an unsafe employee. Such a claim is established where:

- The employer knew, or through a reasonable investigation should have known, of the employee's or applicant's unfitness for the job;

- A person to whom the employer owes a duty of protection is injured; and

- There exists a causal connection between the injury and the employment of the unfit person.

The difference between the two claims: negligent hiring and negligent retention, turns on the point in time at which the employer should have been aware of the violent employee's unfitness for the position.

Basically, an employer is held to a duty to use reasonable care to hire and employ safe and competent employees. An employer

cannot protect itself by wilfully remaining uninformed of an employee's past because liability may be imposed on a finding that the employer was negligent in failing to obtain such knowledge. Otherwise, employers would have no incentive to investigate and weed out unfit employees.

An employer has a heightened duty of reasonable care in hiring or retaining individuals where those individuals will be placed in one-on-one contact with customers or other members of the public.

In cases where an employer has a duty of care to protect third parties coming in contact with its employees, it may be found to have breached this duty if it knew or should have known of the employee's incompetency, dishonesty, or bad character, but nonetheless hired or retained that employee. It is thus important for an employer to thoroughly investigate the background of its prospective employees who will be in contact positions in order to determine their fitness for the job. Certainly, an employer may be found to have breached this duty by hiring an individual with a criminal record for violent conduct if that employer then places the employee in a job where he may come into isolated, personal contact with others. Similarly, liability may be incurred where an employee who was fired from a prior job for theft steals goods or money from a third party in the course of his employment.

Specific examples of cases where an employer has been found liable under the theory of negligent hiring or retention include:

- Church found negligent in hiring an employee who had recently been convicted of aggravated sexual assault on a young girl and was on probation for this offense at the time he was hired by the church into a position in which

he had unlimited access to the church facilities and contact with children and who then repeatedly raped and sexually assaulted a ten year old girl at the church and in other locations. J. v. Victory Tabernacle Baptist Church, 236 Va. 206, 372 S.E.2d 391 (Va. 1988).

- Computer company liable for negligent retention of an employee who had a prior conviction for murder, and had sexually harassed employees, challenged a coworker to a fight, threatened to kill a coworker, and was hostile and abusive to a female employee when problems arose in their friendship and then killed her. Significantly, the court held that the company was not liable for negligent hiring despite the employee's prior murder conviction. Yunker v. Honeywell, Inc., 496 N.W.2d 419 (Minn. App. 1993).

- California corporation liable for negligent hiring and subject to punitive damages where employee, who was known to have volatile nature, to be unable to get along with subordinates, to use profane and threatening language, and to have a propensity to blow up, assaulted a customer causing two fractures and a permanent neck injury. Greenfield v. Spectrum Corp., 174 Cal. App. 3d 111, 219 Cal. Rpt. 805 (1985).

- A trucking company liable for negligently hiring a driver who had been convicted twice of rape, and whose most recent crime had been the sodomization of two teenage boys he picked up hitchhiking, who lied on his employment application, indicating that he had never been convicted of any crime, and who then raped a 17 year old hitchhiker he picked up while driving for the company; because the trucking company never investigated to determine whether the employee's application statements were true. Malorney v. B.L. Motor Freight, Inc., 146 Ill. App. 3d 265, 496 N.E. 2d 1086 (1986).

- A bartender repeatedly punched a customer who had thrown a drink at him, causing facial injuries. Prior to hiring, the employer knew that this bartender had a criminal record, but did not investigate as to the specifics of his record. His record included convictions for assault and battery, assault with intent to commit rape, and kidnapping. The court held that the owner had been negligent in its hiring process. Foster v. The Loft, Inc., 26 Mass. App. Ct. 289, 526 N.E.2d 1309 (1988).

As the above cases demonstrate, an employer's liability for negligently hiring or retaining an employee who should not be in a specific job can arise from a variety of contexts.

EMPLOYER'S LIABILITY TO EMPLOYEES WHO ARE VICTIMS: LIMITED BY WORKERS' COMPENSATION EXCLUSIVITY?

Every state has a workers' compensation law which provides remedies for employees hurt while on the job. An issue that arises in the context of workplace violence is whether workers' compensation provides the exclusive remedy to an employee who is the victim of such violence. Generally, workers' compensation is the exclusive remedy if the injury is the result of an accident and/or occurs in the course of employment.

However, in the context of workplace violence, the courts have reached varying conclusions as to whether workers' compensation is the sole remedy, depending upon whether the act is deemed to have occurred in the course of employment and/or whether it is deemed intentional by the employer. Some examples are as follows:

- Workers' compensation not an exclusive remedy to female employee who was attacked by her supervisor in his car and when he followed her into her apartment. Employee could pursue her claim against their employer under state law for reckless endangerment for failing to warn her that there had been prior allegations of sexual harassment against this supervisor because the attack occurred when the employee was not performing work for her employer, nor in the office, and therefore, did not occur in the course of employment. Paroline v. Unisys Corp., 879 F.Supp. 100 (4th Cir. 1989).

- Workers' compensation not the exclusive remedy to an employee whose supervisor held a gun to his head and threatened to blow his head off; therefore, employee could pursue claim of intentional infliction of emotional distress against the employer. Herrick v. Quality Hotels and Resorts, Inc., 19 Cal. App. 4th 1608, 24 Cal. Rptr. 2d 203 (1993).

- Workers' Compensation Act did not bar wrongful death action against employer for negligently retaining employee who had a criminal history, who had threatened co-worker, and who then shot and killed the co-worker at home. Yunker v. Honeywell, Inc., 496 N.W.2d 419 (Minn. App. 1993).

- Workers' compensation was sole remedy to estate of employee who was raped and murdered in company's parking lot on a Sunday afternoon. Foley v. Honeywell, Inc., 488 N.W.2d 268 (Minn. 1992).

- Workers' compensation was sole remedy to estate of bank teller who was shot and killed during a hold-up after the bank had removed the bullet-proof glass from her station; bank did not intend harm despite knowing that it was likely after the bullet-proof glass was removed. Grillo v. National Bank of Washington, 540 A.2d 743 (D.C. App. 1988).

- Workers' Compensation precluded action against employer for wrongful death brought by parent of employee who was murdered by co-employee while making night deposit at bank for employer store owner. Hadsock v. J.H. Harvey Co., Inc., 442 S.E.2d 892 (Ga. App. 1994).

THE DUTY TO WARN RAISES SPECIFIC COUNTERVAILING EMPLOYER CONCERNS

If a psychiatrist knows that his or her patient poses a serious threat of physical injury to another person, the courts have held that the psychiatrist has a duty to warn the person at risk. Tarasoff v. Regents of University of California, 17 Cal. 3d 425, 131 Cal. Rptr. 14, 551 P.2d 334 (1976). Applying the same reasoning, employees and customers may argue that an employer who knows that an employee poses a threat of harm to another employee or a customer has a duty to warn that other employee or customer of the pending risk.

However, an employer who takes it upon himself to alert the third party to the potential danger runs the risk of being sued by

the potential aggressor for defamation or slander, invasion of privacy, infliction of emotional distress and the like.

This issue arises most often in the context of giving references. Should a former employer tell a prospective employer that a former employee acted in a violent manner? Truth is always a defense to a defamation case. Moreover, in many states there is a qualified privilege to communicate information about an employee, even if false or otherwise defamatory, so long as the statement is (1) believed, in good faith, to be true, (2) furthers legitimate business interests, (3) is made in response to a proper event, and (4) is only disclosed to individuals with a legitimate need to know.

EMPLOYER STATUTORY DUTIES TO PROVIDE SAFE WORKPLACE

The Occupational Safety and Health Act imposes upon employers the general duty to

> (f)urnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees.

Section 5(a)(1), 29 USC §654(a)(1) (1979).

The Occupation Safety and Health Administration has been studying the issue of workplace violence and is considering implementing regulations governing workplace violence, using the employer's general duty clause. On September 22, 1993, OSHA issued what is probably the first general duty clause citation relating to workplace violence against Charter Barclay Hospital in Chicago, Illinois. A psychiatric hospital, Charter Barclay was fined $5,000 for a serious violation of the general duty clause for

exposing workers to serious physical injury during "seclusion/restrain incidents with violent psychiatric patients." Worker injuries resulting from patients' punching and kicking included fractures, torn cartilage, bites, knee damages, head injury and contusions. The hospital has voluntarily abated the situation so no enforcement proceeding has been necessary.

More recently, OSHA has been pursuing a suit against a housing project on behalf of Mega West Financial Inc., a housing project manager who was harassed and periodically beaten in his apartment.

OSHA anticipates issuing guidelines on workplace violence on or about March 1, 1995.

RIGHTS OF AGGRESSOR OR POTENTIAL AGGRESSOR

The employee who is the aggressor or potential aggressor also has rights which must be observed by the employer. In an effort to secure the workplace from violence or potential violence, an employer may tread on these rights, precipitating legal action by the employee.

Americans With Disabilities Act

The Americans With Disabilities Act (ADA) imposes restrictions which may affect an employer's ability to protect against and respond to actual or perceived threats or incidents of workplace violence.

It is important to remember that the ADA extends protection not only to individuals with physical disabilities but also individuals with mental disabilities: mental illnesses and mental disorders.

Under the ADA, an individual with a disability may be denied employment or discharged where (1) that individual poses a direct threat to the health or safety of others; and (2) the direct threat cannot be reduced or eliminated by a reasonable accommodation without undue hardship.

A "direct threat" of violence is generally understood to mean a specific and significant risk of violence coupled with a high probability of substantial harm. The determination as to whether an individual poses a "direct threat" to the safety of others must be made on a case-by-case basis, applying standards applicable to all employees and not just to individuals with disabilities. In addition, the determination must be based upon evidence of a specific, non-speculative risk, looking at such factors as the duration of the risk; the nature and severity of the potential harm; the likelihood that the potential harm will occur; and the imminence of the potential harm.

Once it is determined that an individual poses a direct threat to the safety of others, the employer must further determine whether or not a "reasonable accommodation" can eliminate or reduce that threat without "undue hardship" to the employer and/or its employees. Such a reasonable accommodation will depend upon the size and nature of the employer's workforce but may include flexible work schedules, counseling, reassignment to another position, or moving the targeted employee(s). If reasonable accommodation will not eliminate or reduce the direct threat to the health and safety of the individual and others, then it would

appear that the employer may -- consistent with ADA -- refuse to hire, or discharge, the individual.

Privacy

Many states either explicitly or implicitly recognize an employee's right to privacy. In taking actions to minimize the risk of workplace violence, employers must be sure that they do not infringe on state recognized privacy interests.

Wrongful Discharge

Employees who are terminated because it is feared that they may engage in violence in the future or because they have shown violent tendencies may well pursue claims for wrongful discharge, breach of contract, intentional infliction of emotional distress and the like.

Employers will want to be sure that in cases that dismissal of an employee is the result, all factors warranting the dismissal have been fully documented.

Other Forms of Discrimination

Many people carry stereotypes regarding characteristics of individuals likely to commit violent acts. In making employment decisions, employers must be sure that they are not acting on preconceived notions which are based on discriminatory stereotypes rather than true risk factors.

APPENDIX A

GUIDELINES FOR AVOIDING WORKPLACE VIOLENCE AND/OR LIABILITY ASSOCIATED WITH WORKPLACE VIOLENCE

1. Develop an Incident Reporting Procedure

Develop a reporting policy and procedure to be disseminated to all employees for employees to use to report to the Threat Assessment/Response Team, human resources personnel, or other designated management any threats or questionable behavior by co-employees, regardless of how serious they believe the threats to be.

2. Supervisor and Manager Training

Experts report that an individual rarely snaps without giving some warning signs. Supervisors and managers should trained in recognizing warning signs and signals and responding to threats of violence.

3. Threat Assessment/Response Team

Consider establishing a Threat Assessment/Response Team comprised of human resources personnel, legal counsel, line management, security personnel, a mental health consultant, and any other individuals you feel would be appropriate under the circumstances present in your workplace. This Team would be responsible for investigating any threats of violence and also to assess both the risks posed and the appropriate alternative responses.

In addition, a Threat Assessment/Response Team may be assigned to develop a general plan to reduce the possibility of workplace violence and to develop a plan to deal with workplace violence if it occurs. For example, such a Team might review security policies; implement security measures reducing access to the workplace; develop escape routes, publicize their locations and ensure that they remain accessible; and educate employees and supervisors. If, despite such efforts, violence nonetheless occurs, then the Team might have authority to identify and assign responsibilities to employees and supervisors on the scene; to notify the authorities; to deal with the media and/or to conduct an initial investigation of the incident.

4. Review Application and Hiring Process

It is critical that employers properly investigate a job applicant's background to determine whether he/she is fit for the job. There are a number of employment screening devices available to employers to help them in thoroughly reviewing the background of job applicants. Careful documentation of the investigation

process, including the names and titles of people contacted and their relationship to the applicant and the dates of all conversations is also essential.

- **Job Application Forms**

Even if an individual has prepared a resume, the employer should generally require the applicant to fill out an application form. Inconsistencies between the application form and the resume may indicate that false information is contained in one of the documents. Moreover, the employer cannot control what information is conveyed in a resume. Often, a job applicant will include on her resume statements identifying her age, race, marital status, etc. Further, the use of a resume allows the applicant to avoid answering hard questions on a properly drafted application form.

The job application should clearly ask for the reason for leaving each job listed on the application, as well as the dates of employment at each job. Unreasonably long gaps in employment may suggest that an individual was unemployed for a period of time because of having been discharged (since he probably would not have voluntarily quit without having other employment secured), or even that he had been incarcerated.

The application should also contain language directly above the applicant's signature which states:

> I verify that the information given by me in this application is true, accurate, and complete. I understand that if I have given any false information on this application or if I have omitted any material facts, I may be disqualified from employment with _____, or if hired, I may be discharged immediately upon discovery of such false statements or omissions.

Two authorization forms may also be attached to the job application and should be signed by the applicant to assist the employer in fully discovering all relevant facts about the applicant. First, the applicant may be asked to sign a form authorizing the prospective employer to obtain employment information from prior employers. This form should state:

> I hereby authorize my current and former employers to release any information contained in my personnel file or otherwise known by them to [name of prospective employer] in connection with my application for employment with [name of prospective employer]. I specifically release from liability any current or former employer, its agents,

representatives, employees, officers or directors, for giving such information to [name of prospective employer].

A second form which may be attached to the application authorizes the State Police to perform a criminal records check on the job applicant.

- **Job Interviews**

Thorough job interviews are a critical part of the selection process. Interviewers should routinely inquire about the applicant's reasons for leaving prior jobs, gaps in employment, incomplete application responses, and prior disciplinary action. Employers should also consider including in the standard interview format questions which explore the applicant's reaction to stressful situations. In addition, as discussed more fully below, interviewers may inquire as to the applicant's criminal record.

- **References and Background Check**

To the extent possible, it is important to obtain information about the prior work record of job applicants. An employer may discover that an applicant has previously been fired for dishonesty, theft, sexual harassment, substandard job performance, poor attendance, or the use or possession of controlled substances. A prospective employer who does not attempt to obtain this information will never discover it until frequently it is too late. Ask if the contact or prior employer believes the applicant is fit for the job and why they believe so.

Many employers have taken the position that they will not supply much, if any, information to prospective employers on a reference check. For this reason, it is particularly important to have an applicant sign the authorization form referenced above. A former or current employer who has received a written authorization to release information is much more likely to do so than one which simply receives a phone call from a stranger claiming to be the personnel director of a potential employer.

- **Criminal Record Checks**

An employer may wish to obtain information about an applicant's criminal record. Conviction, for instance, of a crime of violence may be relevant to the individual's fitness for a position which will bring him or her into contact with the public.

Inquiries can be made to the state police, local police and sheriffs, and as well as the local courts. Employers must be aware, however, that many states limit inquiries into an applicant or employee's record of arrests which did not lead to conviction, record of convictions which have been expunged or convictions for

certain misdemeanor offenses and prohibit the use of such information in making employment decisions. Some jurisdictions, e.g. California, explicitly permit inquiries of an applicant about felony convictions but require that such inquiry be accompanied by a statement that a conviction will not necessarily disqualify the applicant for consideration for employment. A blanket rule against hiring convicted felons can have an adverse impact against minority applicants.

- **Drug and Alcohol Testing**

Generally, the testing of job applicants for controlled substances has been held to be legal so long as proper practices and procedures are followed. However, many experts have stated that alcohol or drug use or abuse is not a good predictor of violent behavior.

If an employer decides to implement a drug and alcohol testing program, the following steps should be taken before the implementation of such testing:

The employer must determine whether its concerns about drug use in its work force justify the cost of a testing program.

A clear, written testing policy must be formulated and communicated to applicants, and the application form should contain a specific statement indicating the applicant's acknowledgement that a drug test may be part of the application process.

Particular testing methods which are reliable and match the employer's individual needs should be adopted.

The testing procedure should include a confirmation test where the initial test is a positive one.

The testing should not be random or spotty. If any applicants are to be tested, all applicants should be tested. This will help to avoid a claim that the test is administered primarily to minority applicants.

The testing procedure must be one which protects the individual's privacy. The results of the test should not be revealed to anyone other than those who have an immediate need to know the test results.

- **Aptitude, Personality and Honesty Testing**

Many employers are returning to the use of written tests to determine the suitability of applicants for specific positions in hopes that these will help them weed out potentially violent and dishonest applicants. Before going this route, employers should be

aware that there have been numerous legal challenges to such tests on the basis that they tend to discriminate against certain protected groups. Two types of claims have been made. One allegation frequently made is that the tests are used as an excuse to fail to hire minority applicants and, therefore, to intentionally discriminate against minority groups. The more common legal challenge, however, is that these tests inadvertently result in a disproportionate percentage of minority applicants being disqualified on the basis of the tests. The employer must be able to show that the test is valid and is job related.

- **Mental Disability and Psychological Testing**

The Americans With Disabilities Act ("ADA") forbids an employer from inquiring about an applicant's medical condition, including mental stability, until a job offer is made. The employer may, however, inquire into whether the applicant can perform the essential functions of the job and may use post-offer screening tests to identify potentially violent employees.

Such tests raise privacy issues as well as potential ADA problems. To avoid liability for invasion of privacy and/or violations of the ADA resulting from the use of psychological testing, an employer should insure that the test is job-related, justified by business necessity, and that the test itself is conducted in a reasonable manner.

5. Evaluating Current Employees

Timely, honest, and accurate performance evaluations are critical. Supervisors should be educated on the importance of providing truthful, accurate performance evaluations. Do not allow performance reviews to be prepared by supervisors who hold biases toward certain employees.

Emphasize to supervisors the importance of remaining sensitive and alert to situations where an employee's performance, attendance, attitude or behavior inexplicably undergoes dramatic changes over a short period of time.

Promptly investigate employees whose fitness for the job is called into question.

6. Prompt Response to Incident

A prompt response to any incidents of violence or threats of violence is critical. The informant and others involved should be interviewed. To the extent possible, the confidentiality of these employees should be maintained. Do not disclose their home phone numbers and addresses to any one involved. Perhaps "mask" the identity of specific informants by interviewing everyone in a group (e.g., a department or work area).

The potential aggressor should also be interviewed. Take accurate written notes regarding the meeting. Avoid claims of false imprisonment by first determining that "probable cause" exists to "interrogate" the potentially violent individual and record that the interrogation/interview is "reasonable" in terms of its length, tenor and restraints.

If the potentially dangerous employee is targeting a particular employee, consider whether the harasser can be moved to a work area where he/she will not have contact with the targeted employee. In addition, consider warning the potential victim and advise him/her to seek some means of protection to ensure their safety outside of the workplace.

Consider placing the potentially dangerous employee on suspension, administrative or sick leave, pending the conclusion of the investigation.

Attempt to obtain voluntary, non-coerced consent before searching an employee's person or personal effects for a weapon or other evidence believed to be present in the workplace. In the absence of consent, consider whether the search is nonetheless justified by your compelling interest in protecting the safety of others and the existence of emergency circumstances. Also consider, in general, implementing a pre-announced search policy which would generally justify searches of company-owned lockers or desks.

If appropriate, seek a restraining order or an injunction prohibiting harassment or stalking if appropriate.

7. <u>Termination of Aggressor</u>

If you conclude that termination of employment is appropriate, be sure to discharge the employee in a manner that minimizes potential explosiveness by already identified dangerous employee. Other safeguards that should be considered include:

Alert all security personnel of the personal danger.

Contact law enforcement.

Have security to escort the former employee until he/she leaves the premises.

If a particular worker is targeted by the harasser, alert that employee and consider providing special security measures for him/her until the threat subsides.
Consider obtaining a restraining order injunction prohibiting the employee from returning to or near the workplace, etc.