

WORKPLACE VIOLENCE PREVENTION: A GUIDE



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DEAR MISSISSIPPIANS:

This guide is designed to help prevent workplace violence by providing a profile of a potentially violent employee and establishing a protocol for employees and management to report information to a designated law enforcement officer. The guide also includes tips on how to respond during a violent event in the workplace and where to get help afterwards.

While I was a district attorney, I had the unfortunate duty of having to prosecute a workplace murder and aggravated assault. I have learned that many acts of workplace violence can be prevented, if employees and management know the tale-tale signs that are common in potentially violent employees and how to confidentially report these factors to a designated law enforcement officer trained to intervene.

If any of the following profile factors are observed, it should be reported to a designated law enforcement officer: (1) threats of violence against others or suicide; (2) numerous conflicts with customers, co-workers, or supervisors; (3) intimidating or harassing behavior; (4) bringing weapons to the workplace; (5) statements of approval of workplace violence; (6) statements indicating extreme desperation over marital, family, or relationship difficulties; (7) a fanatical fascination with knives, guns, explosives, or other weapons; (8) severe depression; (9) hatred of government or other groups; (10) extreme financial hardship; (11) alcohol or drug abuse combined with other factors; and (12) extreme changes in behavior.

This guide is not intended as legal advice, but it can be a useful resource for tailoring a workplace violence prevention program to your organization. In developing your own program, you should contact a private attorney.

I hope that we can prevent incidents of workplace violence by allowing law enforcement to intervene and get help for the potentially violent employee before the situation becomes a crisis and a danger to all. Mississippians deserve to work in an environment without fear of violence!

Thank you for your interest and commitment in making our workplaces more secure. If my office can be of assistance, please feel free to contact us at 601-359-3680. To obtain an example of a workplace violence program, see our website at www.ago.state.ms.us.

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WHAT IS WORKPLACE VIOLENCE?

DEFINITION AND TYPES

The United States Department of Agriculture defines workplace violence as “any act of violence, against persons or property, threats, intimidation, harassment, or other inappropriate, disruptive behavior that causes fear for personal safety at the worksite.” (7).

The California branch of the Occupational Safety and Health Administration has identified three distinct types of workplace violence:



TYPE I involves a stranger committing a crime against the business. This is the most common cause of workplace homicide.

TYPE II is committed on an employee by a client, customer, patient, or inmate. Most Type II violence involves nonfatal assaults or verbal threats.

TYPE III is employee-on-employee violence and is the most-common source of threats and assaults. (4)

EXAMPLES OF WORKPLACE VIOLENCE

Workplace violence may range from murder to physical assaults to verbal threats. Verbal threats should never be taken lightly, because they often escalate to a physical confrontation.

AN EPIDEMIC

In an average week, U.S. workplaces experience at least one homicide as a result of violence. (11)

1. In most cases, employee-killers demonstrated clear warning signs of their violent propensities. (11).

2. Six hundred and nine workplace homicides were recorded in 2002, representing the lowest recorded by the U.S. Bureau of Labor Statistics in census history. The record high was in 1994 with a total of 1,080 deaths. (9).

LEGAL LIABILITY

Employers have a legal responsibility to take precautions to prevent workplace violence. This responsibility may arise within Mississippi under the federal Occupational Safety and Health Act of 1970 (OSHA), Mississippi's Unemployment Compensation Law, or theories of tort liability.

First, OSHA sets forth a "general duty" of employers to provide employees with a "safe and healthful workplace." (14).

Second, under unemployment compensation law, a Mississippi employee will not be able to receive unemployment benefits where he or she has been "discharged for misconduct connected with his work." (15). In *Hux v. MS Employment Security Commission*, the Mississippi Court of Appeals held that an episode of workplace violence amounted to "misconduct" within the meaning of the unemployment compensation law. (22).

Finally, tort liability claims which may arise following an incident of workplace violence include:

Negligent Hiring:

Failing to properly screen employees, resulting in the hiring of someone with a history of violent and criminal acts.

Negligent Retention:

Keeping an employee after the employer becomes aware of the employee's unsuitability and then fails to act on that knowledge.

Negligent Supervision:

Failing to provide the necessary monitoring to ensure that employees can perform their duties properly.

Negligent Entrustment:

These principles apply in workplace violence situations where an employer is entrusting an employee with a tangible piece of property.

Failure to Train:

Failing to sufficiently create awareness of potential dangers in the workplace may be a basis for liability where employers have not sufficiently created awareness of potential dangers in the workplace.

OSHA’s general duty to provide a safe workplace has been the basis on which these suits have been filed, and such suits confirm the need for preventative training. Further, OSHA’s general duty has been enlarged to include an employer’s duty to “protect employees from feasibly preventable hazards” as seen within episodes of workplace violence. (18 at 532-33).

WHAT TRIGGERS WORKPLACE VIOLENCE?

The workplace has become increasingly violent over the last several decades. Employees are working longer hours, with increased responsibilities in their jobs.

This, in turn, increases employees’s stress levels. Other factors contributing to workplace violence include:

ORGANIZATIONAL FACTORS

- ✓ Change
- ✓ Job overload
- ✓ Undefined job tasks
- ✓ Downsizing
- ✓ Under-staffing
- ✓ Inadequate security
- ✓ Poor hiring practices
- ✓ Failure to respond to violent incidents
- ✓ Lack of employee counseling (2).

CULTURAL FACTORS

- ✓ Economic downturn in business
- ✓ Availability of weapons
- ✓ Breakdown of family and/or community
- ✓ Media glorification of violence (2).

PERSONAL FACTORS

- ✓ Loss of job, raise, or promotion
- ✓ Family / marital problems
- ✓ Money problems
- ✓ Drug and alcohol abuse
- ✓ Stress
- ✓ Domestic violence (2).

PROFILE OF A POTENTIALLY VIOLENT EMPLOYEE

The following chart shows some indicators of potentially violent episodes as determined by the United States Department of Agriculture in 2001:

INDICATORS	REMEDIES
Intimidating, harassing behavior and verbal threats	Co-worker should notify employee's supervisor of observations
Brings a weapon to the workplace	Notify human resource manager, supervisor, and in the worst case, contact police
Statements indicating approval of workplace violence to resolve a problem	Begin by stating that violence is never an appropriate solution; the employee's supervisor should be notified
Statements indicating desperation over family or financial problems	Statements should never be ignored, but they should be reported while minimizing, as much as possible, the tendency to overact
Direct threats of harm	Co-worker should notify employee's supervisor of threats and supervisor should act accordingly as stated in written policy
Substance abuse	Pro-active prevention through Drug/Alcohol testing
Extreme changes in normal behavior	Supervisor should evaluate situation and determine the potential causes in change of behavior
Numerous conflicts with customers, co-workers, or supervisors	At the first sign of conflict, co-workers should report to supervisors, while a supervisor's conflict should be reported to management (6).

WARNING SIGNS

A PERSONALITY TRAITS AND BEHAVIORS CHECKLIST

(adapted from The School Shooter: A Threat Assessment Perspective: FBI, 1999)¹ (6).

- 1) Communicates Intent to “Fix ” Things
 - A potentially violent person will often let others know of their “plans” to correct injustices through inappropriate comments, which the speaker quickly disavows as jokes. His humor may be inappropriate and biting.
 - Often a person who is thinking of destructive behaviors or who is conflicted and is seeking help, may alert others to his feelings of inadequacy and victimization, and may express his thoughts or fantasies of violent behavior through poems, stories, essays, songs, or drawings. He may post threats or warnings on the Internet as did the perpetrators of school violence in Columbine, Colorado. Teachers or employers should look for themes of violence in the communications.
 - The employee may have a fascination with guns or dangerous weapons and may have a possible military history.
- 2) Exhibits a Low Tolerance for Frustration
 - The employee is easily offended, insulted or injured by real or perceived injustices and cannot tolerate the everyday frustrations of the workplace, e.g., exaggerated frustration with computer problems, lack of promotions, or employer evaluations.
- 3) Has Poor Coping Skills
 - The employee demonstrates a poor ability to cope with frustration, disappointment, criticism, rejection, and responds in an immature, exaggerated and inappropriate manner. The employee blames others for his own failures.
- 4) Lacks Flexibility
 - The employee responds poorly to change and has difficulty in expressing his extreme feelings. The employee may be the “quiet” type who harbors resentments.

¹The list of characteristics is not all inclusive, and a single factor in isolation may not be conclusive as to whether an employee may be violent. The list may be used as a checklist of warnings or a profile, when evaluating potentially violent acts of an employee.

- 5) Is Narcissistic, Alienates Others, and/or Acts Superior to Others
- The employee thinks of himself as more intelligent, talented and creative than other employees.
 - The employee is self-centered and fails to understand the needs of others. He may act in a grandiose manner, touting his self importance in an effort to feel superior to others.
 - The employee may have an exaggerated sense of isolation and may fail to associate with others.
 - The employee may seek to manipulate others and win trust so that they will discount any signs of unusual behavior.
- 6) Dehumanizes Others
- The employee is intolerant of others.
 - The employee fails to see others as “persons” and has strong views against different genders or ethnic groups.
 - The employee may exhibit signs, tatoos, bumper stickers, or clothing which have symbols of intolerance and/or racial or religious prejudice.
- 7) Has an Exaggerated Sense of Entitlement
- The employee feels that he should get special treatment and should be an exception to the rules, which are for other persons. The employee may have a poor work attendance record.
- 8) Displays a Need for Constant Attention
- The employee may have a driving need for attention, positive or negative.
 - The employee may disrupt the workplace environment with distracting behaviors.
- 9) Has Failed Relationships
- The employee has recently had an increase in domestic problems.
 - The employee may have recently become separated, divorced or rejected.
 - The employee fails to recover from a love relationship and refuses to move on.
- 10) Collects Injustices
- The employee harbors resentment of others.
 - The employee may keep a list of persons who have wronged him.
 - The employee may talk of a plan to fix things.
- 11) Shows a Decreased Attention to Personal Appearance
- The employee may exhibit a decrease in attention to personal appearance and hygiene.

- A person may also wear clothing that indicates gang membership, rebelliousness, or a disregard for authority, e.g., black clothing, gothic dress, or gang insignia.
- 12) Shows Signs of Depression
- The employee may exhibit signs of lethargy, fatigue, malaise or loss of interest in things once enjoyed.
 - He may have irrational outbursts of anger or feelings of hopelessness.
 - His posture may be slumped and passive.
 - The employee may be hyperactive and distracting in the workplace.
 - The employee has a low self esteem.
- 13) Has a History of Violence Toward Women, Children or Animals
- 14) Has Difficulty in Managing Anger
- Employee may throw temper tantrums or be dramatic.
 - Outbursts may be unpredictable.
 - In contrast, the employee may sulk or brood.
- 15) Is Distrustful of Others
- Employee is suspicious of others' motives.
 - Employee is rigid and opinionated.
- 16) Has a Substance Abuse Problem
- Employee has changes in behavior which may be directly related to alcohol or controlled substances.
- 17) Is Fascinated With Media or Technology
- Employee spends an inordinate amount of time on Internet at the office.
 - Employee is unusually interested in media of a violent nature.

RESPONSIBILITIES

Combating violence in the workplace is a team effort. While employers have a legal responsibility to promote a tranquil work environment, employees should assist their managers in curbing possible violent incidents.

Employers must care about safety and provide as safe of a working environment as possible. Employers should have preventative measures in place and deal immediately with potentially violent situations.

BASIC EMPLOYER RESPONSIBILITIES INCLUDE:

1. Setting a policy statement that communicates to the staff that the organization will not tolerate violent behavior and that all reports of episodes will be taken seriously. An example of such a policy may be found in *Appendix C*.
2. Informing employees of workplace violence policies and procedures.
3. Notifying all employees of any procedures implemented for assessing workplace threats and emergencies.
4. Taking all threats seriously.
5. Responding to potential threats and escalating situations by utilizing proper resources from law enforcement.
6. Responding quickly and understanding that timely reaction is a measure that leads to success.
7. Having a designated person to whom employees should report all threats. Designated safety officers should be trained on workplace violence and know whom to contact at the local designated law enforcement office.
8. Involving management in the workplace violence policy creation process. (7).



Just as the employer must take an active role in the prevention of workplace violence, an employee's awareness of the potential for workplace violence is essential to its deterrence.

EMPLOYEE RESPONSIBILITIES INCLUDE:

1. Understanding the organization's written policy prohibiting workplace violence.
2. Notifying supervisors about possible strangers in the workplace.
3. Taking any threat, physical or verbal, seriously and reporting threatening behavior directly to the designated threat assessment officer.
4. Allowing managers or supervisors to confront an employee who presents a potential threat to the organization. (7).

HOW TO PREVENT WORKPLACE VIOLENCE

The most important, and, in the long run, least costly portion of any agency's workplace violence program, is a sound prevention plan. Your organization should have the following preventative measures in place:

STRATEGIES TO CREATE A SAFER WORK ENVIRONMENT

1. **Start at the top. CREATE A MANAGEMENT TEAM THAT INCLUDES MANAGEMENT AND DESIGNATED WORKERS.** Encourage employers, CEOs, to establish an environment that aids victims in obtaining assistance and protections. Be involved. Management should participate with employees in awareness training.
2. **CREATE A WORKPLACE VIOLENCE POLICY.** The policy should be in an employee handbook and should describe leave and benefits policies for victims.
 - ✓ The policy should also outline emergency procedures, name key persons to supervise in case of emergencies and list contact numbers for law enforcement.
 - ✓ The policy should also address employee assistance programs as well as procedures for employee termination.
 - ✓ The Workplace Policy Handbook should also include facts on domestic violence and a workplace policy on domestic violence.
 - ✓ The policy should inform workers about the Family and Medical Leave Act and the American with Disabilities Act, which may be applicable to the victims of workplace violence.
3. **ESTABLISH EMPLOYEE ASSISTANCE PROGRAMS.** Make information available to workers through a Workplace Policy Handbook. Hold annual training sessions for employees.
4. **PROVIDE MANAGERS WITH ASSISTANCE AND TRAINING IN WORKPLACE VIOLENCE.** Establish a training program to provide supervisors with tools to recognize the profile of a potentially violent employee and ways to respond when an employee is a perpetrator or a victim of violence.
5. **EDUCATE EMPLOYEES ON ALTERNATIVES TO VIOLENCE.** Place updates on company website or newsletter.
6. **COORDINATE WITH LAW ENFORCEMENT.** Be sure that local authorities have a copy of your emergency plans and a layout of the building showing entrances, exits, hallways, doors, windows, elevators, etc.

WORKPLACE VIOLENCE PREVENTION POLICY

- ✓ Every organization should develop a workplace violence prevention policy. A written policy “clearly informs employees that the policy will address intimidation, harassment, and other inappropriate behavior that threatens or frightens them; encourage[s] employees to report all incidents; inform[s] employees whom to call; and demonstrates management commitment to deal with reported incidents.” (18 at 553).

- ✓ Through a collaborative effort between individuals from each branch of the organization, the workplace violence prevention policy should be developed to include the following:
 1. Designation of a key person with whom to lodge a complaint and who has the authority to act immediately;
 2. A provision addressing any activity that causes physical harm or destruction to property, or that makes an employee feel frightened, threatened, or worried about his or her personal safety;
 3. A list or explanation of acts that would be considered as workplace violence;
 4. Guidelines and protocol to follow, whether the dispute is between co-workers or outside individuals whose relationship with the co-worker which could cause workplace violence;
 5. A provision describing the importance of the overall responsibility of employees to support the organization’s effort in discouraging workplace violence by reporting all incidents without fear of retaliation;
 6. A statement that the organization as a whole will actively respond to any episode of potential violence;
 7. A provision that the organization will actively work together to end harassing or threatening behavior within the workplace; and
 8. A statement that the organization will provide assistance to and will encourage any employee to respond or report potentially destructive episodes. (8).

Finally, it is important to note that although it is necessary for employees to understand that violence in the workplace is not permitted, the use of “zero tolerance” language within a written policy may result in legal liability. (5 at 29). Therefore, such terminology should be avoided if it is likely to deter an employee from disclosing known violent behavior. (18 at 553). Further, written policies should incorporate simple wording, rather than using complex definitions. (18 at 553).

AWARENESS/TRAINING

One of the most important aspects of any organization’s workplace violence program is training of the staff. Training is necessary for everyone employed by the organization because prevention of violence cannot be accomplished by only select people within the organization. It is a company-wide effort. Pro-active employees and supervisors are needed to effectively rid the workplace of violence.



An organization’s Employee Assistance Program, security, and human resources staff will provide resources to employees confronted with potentially violent episodes.

Measures to be taken by Employers

All employees should have enough training and direction to recognize incidents of violent behavior. Further, employees should have a list of phone numbers for reference during an emergency. Each organization should provide employees with information on workplace violence similar to the following:

1. A copy of the organization’s workplace violence policy, giving notice to the employee and a written acknowledgment by the employee of the policy;
2. Procedures in reporting violent episodes;
3. Methods to minimize and prevent aggressive situations;
4. Methods to calm hostile or angry employees;
5. Skills to resolve conflict;
6. Guidelines as to security procedures, e.g., the location and operation of safety devices such as alarm system, evacuation procedures; and
7. Programs implemented within the organization that can help employees to manage conflict, such as Employee Assistance Programs (discussed in this guide). (3).

Also, special attention should be given to the set procedures regarding general employer training. These procedures that promote a productive workplace can also aid in the prevention of potential violence. General training should include basic leadership training for key employees.

All employees should be taught to address problems promptly, and managers should be given training on personnel management. Employers do not need to have any expertise in confronting violent behavior, but they do need to have access to professionals who will be willing to provide assistance to the organization.

Additional Measures

Encourage employees to report incidents in which they feel threatened for any reason by anyone inside or outside the organization. This may be accomplished by establishing a system of reporting violent incidents. An example of creating awareness of violence in the workplace is found in The Louisiana Department of Justice's Response to Domestic Violence Manual. Awareness may be enhanced by:

1. Placing articles about workplace violence in company newsletters; and
2. Participating in events created to facilitate awareness of violence committed in the workplace;
3. Showing compassion towards employees who report violence;
4. Practicing the discipline of employees without bias;
5. Developing a general knowledge of how to handle an emergency;
6. Providing pre-employment screening; and,
7. Understanding the skills required to effectively manage conflict. (3).

PRE-EMPLOYMENT SCREENING

Pre-employment screening of employees is a useful method in the deterrence of violence from the workplace. If the employer is seeking to hire a person for a position responsible for "safety, security, client or patient care, fiscal integrity and other 'critical' functions, employers will likely want to inquire into the criminal history" of the prospective employee. (18 at 548).

Further, Mississippi statutory authority mandates pre-employment screening before an individual is hired as an employee of a particular organization. For example, under § 25-53-51, Miss. Code Ann. 1972, as amended, "The Mississippi Department of Information Technology Services is required to fingerprint and conduct criminal background checks on candidates who apply for positions of 'information confidentiality'." (18 at 548).

Prior to any inquiry into the person's past history, obtain a *written release form*.

An employer's screening program should focus on the following:

1. Look for "suspicious" intervals within employment history;
2. Inquire into the individual's reason for leaving previous employment;
3. Obtain referrals to affirm the individual's claim as to past employment and education;
4. Include in the referral "performance, disciplinary history, and always ask a former employer if he would consider the individual for rehire?" (18 at 548).

SECURITY

Maintaining a safe work place is part of any good prevention program. There are a variety of ways to help ensure safety, such as employee photo identification badges, guard services, and individually coded key cards for access to buildings and grounds. Different measures may be appropriate for different locations and work settings. (7). Security identification should be confiscated by the organization upon the termination or voluntary resignation of an employee to ensure continuing safety of present employees.



Security may also be monitored by requiring employees to complete surveys periodically. Such assessment allows management to focus on particular areas of concern by identifying a potentially violent situation prior to the occurrence of a homicide within the workplace. (5).

ALTERNATIVE DISPUTE RESOLUTION (ADR)

Alternative Dispute Resolution is a form of conflict resolution that is completed between two parties with the assistance of a "neutral third party." Disputes submitted for ADR are not the subject of traditional litigation; therefore, ADR is by definition less confrontational. "ADR can help prevent the escalation of conflict into violent or potentially violent situations. The key is using ADR early, before emotions or conduct make discussion a non-option." (7).

THREAT ASSESSMENT

Threat assessment is the process of determining the magnitude of a potentially violent or stressful situation and providing a means of intervention to diffuse the situation. Due to the uncertainty of whether a violent episode will take place, the organization should always treat threats in a serious manner and act as if the person is likely to carry out the threat.

First, assess the credibility of a threat, and, second, evaluate the disposition of the person making the threats. This process allows an informed judgment to be made as to whether the person articulating the threats is likely to carry out a violent act or homicide and whether the threat is immediate and the act is imminent. Threat assessment also helps the employer decide how to effectively handle the situation so that violence does not occur.

Good threat assessment will analyze:

1. The exact nature and context of the threat and/or threatening behavior;
2. The identified target (general or specific);
3. The threatener's apparent motivation intent to carry out threat;
4. The threatener's ability to carry out the threat;
5. The appropriate intervention that will help the threatener and protect victims; and,
6. The threatener's background, including work history, criminal record, mental health, history, military history, and past behavior on the job. (6).

A secondary goal is to determine the credibility level of the threat.

LEVEL I: The threatener has the means, ability, and intent to carry through with the issued threat. (Requires immediate law enforcement intervention)

LEVEL II: While the threatener subject may possess the means, he does not possess the ability or intent to carry out the threat. (May require social services, and workplace based intervention by designated employee the employer)

LEVEL III: The threatener does not possess the means, ability or intent to carry out the threat. (Usually requires only employer based and possible social services intervention or help of Employee Assistance Programs).

Organizations vary in type and size; therefore, each will need to develop its own plan and implementation procedures for threat assessment to meet its individual needs by the resources available to that particular organization. Nationally based companies may utilize the necessary expertise from their own security, medical, human resources, legal, and employee assistance departments. Local organizations may have to seek outside help from police or human services departments. Once threat assessment groups are established, they should be periodically maintained and updated so employers have accurate information if assistance is necessary.

Every workplace violence prevention program should designate the personnel who will be specifically responsible for overseeing the organization’s anti-violence policy, including threat assessment and crisis management. Teams should have the authority, training, and support needed to meet their responsibilities. Further, it is often helpful to provide employees with a hierarchy of people within the organization to whom they may *confidentially* report a violent incident, such as the following example:

ORGANIZATIONAL HIERARCHY FOR REPORTING WORKPLACE VIOLENCE

Level One	Supervisor/Manager
Level Two	Human Resources Staff
Level Three	Employee Assistance Programs

Designation of a “*coordinator*” to oversee threat assessment teams is essential. This “*coordinator*” will have the responsibility of determining the proper response in an emergency situation. (6). The *threat assessment* teams will be responsible for referring all reports of violence, threats, and harassment, or conduct that may frighten any employee to the threat assessment coordinator. (6). Threat assessment team members do not have to conduct threat assessments alone, but may contact an outside threat assessment professional to support the team. (5).

These teams include, “experienced, knowledgeable [members] that could review threats, consult with outside experts, and provide recommendations and advice to the coordinator and other [employees].” (6 at 25). Some examples of people who make up a *multi-disciplinary team* include police officers, psychologists, social workers, and medical personnel. The teams should interview the treatener's peers, associates, and superiors regarding the threatener's character performance and personality.

Once a threat has been assessed for its severity, the *proper response* may be taken. For example, in its workplace violence manual, the state of Hawaii has determined that if the risk is “high” and the danger level is also “high”, the proper response should be “arrest or hospitalization.” (8). On the other hand, a “low” level of risk and danger may lead to supervision of the person making threats. (5).

Mississippians have the opportunity to form threat assessment skills through the Department of Education. This Department has established Threat Assessment Protocol Workshops that are presently available for enrollment across Mississippi. (13). These workshops are tailored to fit the safety needs of Mississippi’s grade schools, but the protocol for threat assessment taught may be implemented to address the needs of any organization.



EMPLOYEE ASSISTANCE PROGRAMS

If your organization has the resources, consider an Employee Assistance Program (EAP). This is an effective program that establishes a confidential support service with trained counselors who are enabled with the proper resources to work through work-place violence issues. These advisors may be used to assess whether a situation needs to be brought to the attention of management. They may also be a useful means of generating positive ideas to handle issues of workplace violence. (7). Mississippi businesses have most often implemented EAP’s within “drug and alcohol prevention policies.” (18 at 552).

EAP’s give employees access to professionals who are available to discuss problems that can adversely affect job performance and conduct. (7). “Employee ‘life’ problems like alcoholism, emotional difficulties, family conflict, substance abuse, legal and financial difficulties and the like take a tremendous toll on the employee’s ability to function at work. As an employee loses a sense of control over his or her environment, workplace manifestations may follow.” (18 at 552).

In addition, employees who seek such program’s services are protected with “considerable privacy by laws, policies, and professional ethics maintained by EAP providers.” Normally, the coordinator of the EAP notifies employees in writing about the limits of confidentiality upon the employee’s interest in using the program. (7).

DRUG AND ALCOHOL TESTING

Substance abuse creates a host of problems for an individual both personally and professionally. In the workplace, an employee who abuses alcohol and drugs poses a greater risk to the organization; therefore, testing reduces such risk.



Prior to instituting a testing program employers should ensure that a written policy is in place that satisfies state law; select a date for testing (prior to hiring, once an employee gains a new title within the organization, at random, or for “reasonable suspicion”); and, utilize a proper testing facility in accordance with state law. (18 at 547).

Under § 71-7-5 of Miss. Code Ann. 1972, as amended, employers have the right to engage in testing for substance abuse in the following situations:

1. An employer may require a person seeking employment to undergo a drug and alcohol test prior to obtaining employment. If the individual refuses to take the test or the results are positive indicating the presence of drugs or alcohol in an individual’s system, a valid reason exists for refusing to employ the individual.(16).
2. "An employer may require all employees to submit to reasonable suspicion drug and alcohol testing." If the individual tests positive for drugs or alcohol in a “confirmatory” test, the law presumes that the employer had reasonable suspicion to test for alcohol or drugs. (16).
3. An employer may require all employees to undergo neutral selection drug and alcohol testing provided the requirements of § 71-7-9 of Miss. Code Ann. 1972, as amended, are followed. Under §71-7-9, tests must be handled safely and preserved, written notice must be given to the employees of positive results, and the appropriate costs must be assessed. (16)

Please note: this is a brief summary of the statutory requirements of § 71-7-9. Employers should refer to the statute specifically when implementing this method of testing.

TERMINATION AND DISMISSAL

Termination or dismissal from a position of employment creates an excessive amount of stress on the dismissed employee; therefore, every effort should be taken to conduct the termination in a non-offensive manner. Employers may provide counseling, employee assistance programs, or job counseling services to employees who are laid-off, dismissed, or terminated. Another method of decreasing stress for the employee is to provide out-placement assistance. Further, employers should consider utilizing special tactics in circumstances where a violent episode is likely to occur. Employers may consider the following:

- Timing should be given special attention where violence is at issue. Some dismissals may need to be handled immediately, while others may be better suited for a specific day of the week.
- Maintain the employee's self-respect. If the employer thinks that the organization is susceptible to a threat, a different mode of termination should be considered depending upon the risk of threat.
- Dismissal should be a statement of fact, rather than subject to discussion with the employee.

RESPONDING TO VIOLENT INCIDENTS

Most organizations have procedures to follow in the event of an emergency. For example, an evacuation plan may exist to assist employees in the case of a fire. Similarly, some organizations may give their employees specific directions to follow if a tornado should approach the surrounding locale. While these plans are certainly beneficial for natural disasters, an emergency workplace violence plan should differ to some degree. The U.S. Department of Agriculture has determined the following provisions should be followed after an episode of workplace violence:

1. Notify workplace violence coordinator;
2. Notify medical personnel;
3. Notify the police and/or security;
4. Implement escape procedures;
5. Establish safe havens both internally and externally;
6. Secure the workplace where the violence occurred;
7. Ensure that all employees have safely evacuated;

8. Notify individuals who are able to perform medical/rescue assistance;
9. Instruct employees in workplace violence issues annually;
10. Consistently evaluate and revise the plan; and,
11. Provide employees with the necessary instruction/assistance after the violence ends.
(7).

As an additional security measure, the organization should ensure that the emergency workplace violence plan is filed with local law enforcement prior to its implementation.

No matter how effective policies and plans are in detecting and preventing incidents, there are no guarantees against workplace violence. Even the most responsive employers face this issue. When a violent incident does occur, it is essential the response be timely, appropriate in situation, and carried out with the recognition that employees are traumatized, and the incident's aftermath has just begun.

Every office should distribute to each employee an emergency plan outlining procedures to follow in the event of fire, bomb threats, and threats of violence both internal and external to the organization. Emergency numbers should be posted. Wallet cards can be distributed to employees.

In the event of an emergency, refer to the phone numbers of security, police, and medical service in your organization's emergency plan.

For handy reference, you may wish to write down the numbers of emergency services in your area in the portion provided on the back page of this guide.

EMERGENCY RESPONSE TEAM

An emergency response team begins its involvement in an episode of workplace violence once an occurrence has taken place. The goal of the emergency response team is to confront the actual violent episode and its aftermath and to initiate preventative measures to ensure that further workplace violence does not continue to occur. (7). A representative of the response team should be ready to answer questions by the media and inform the public should the episode be of great magnitude.



The Emergency Response Team acts together to implement the organization's workplace violence policy and to create a method of managing post-termination procedures. (7).

POST TERMINATION PROTOCOL

After an episode of violence has taken place, the organization must immediately begin “investigations, victim assistance, preventive and corrective actions, coordination with the media, and address administrative issues.” (7). Further, managers, supervisors, or the emergency response team should carry out certain activities including the following:

- Report the violence to the police;
- Provide medical assistance to victims if necessary;
- Conduct a roll call of employees;
- Assess damage by using the organization’s workplace violence program;
- Check for safety hazards;
- Photograph and document damage;
- Initiate salvage operations;
- Carry out the crisis response plan in the organization’s workplace violence program; and,
- Provide psychological counseling to victims. (1).

Even if these steps are followed, employees usually are vulnerable to "crisis reactions" which include:

Stage One – “The employee experiences emotional reactions characterized by **shock**, disbelief, numbness, and denial. Physically, the employee experiences shock or a fight-or-flight survival reaction in which the heart rate increases, perceptual sense become heightened or distorted, and adrenaline levels increase to meet a real or perceived threat.” (7 at 13).

Stage Two – Represents “the ‘**impact**’ stage where the employee may feel a variety of intense emotion, including anger, rage, fear, terror, grief, sorrow, confusion, helplessness, guilt, depression, or withdrawal. This stage may last a few days, a few weeks, or a few months.” (7 at 13).

Stage Three – Represents “ the ‘**reconciliation**’ stage in which the employee tries to make sense out of the event, understand its impact, and through trial and error, reach closure of the event so it does not interfere with his or her ability to function and grow. This stage may be a long-term process.” (7 at 13).

Within each of the three stages, employees may have different reactions. The depth of reaction is determined by the presence or absence of the following factors: “the duration of the event, the amount of terror or horror the victim experienced, the sense of personal control (or lack thereof) the employee had during the incident, and the amount of injury or loss the victim

experienced.” (7 at 13).

To aid in recovery, employers should offer stress debriefing sessions and post-traumatic counseling services. Additionally, many state and non-profit agencies are willing to provide assistance to the families of the victim’s of workplace violence. In a handbook entitled, *Mississippi...and Justice for All: A Victim’s Guide*, Mississippi has compiled a listing of those agencies through the Office of the Attorney General's Crime Prevention & Victim Services. Topics include the following:

- | | |
|---|---|
| <input type="checkbox"/> Children; | <input type="checkbox"/> Survivors of Homicide; |
| <input type="checkbox"/> Domestic Violence; | <input type="checkbox"/> Sexual Assault; |
| <input type="checkbox"/> Elderly; | <input type="checkbox"/> State Agencies; and |
| <input type="checkbox"/> Mothers Against Drunk Driving; | <input type="checkbox"/> Victim Assistance Coordinators |

A copy of this handbook may be obtained by contacting the Office of the Attorney General at (601)-359-6766, toll free at (800)-829-6766 or visit our website www.ago.state.ms.us. (20)



WORKPLACE VIOLENCE PREVENTION

APPENDIX

APPENDIX A:

EMERGENCY CONTACTS CHECKLIST

Police: _____
Security: _____
Medical: _____
Human Services: _____
Alarm Company: _____
Media: _____
MS Department of Education: _____
MS Department of Highway Patrol: _____
SWAT: _____

DESIGNATED RESPONSIBILITIES IN CASE OF EMERGENCY:

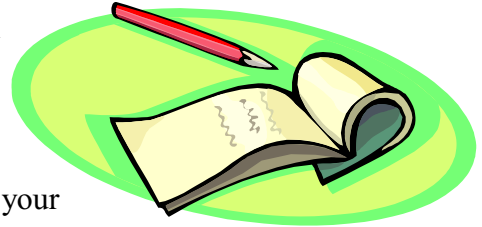
- | | |
|--|---|
| <input type="checkbox"/> Copies of the response management plan will be located at _____ | <input type="checkbox"/> Legal representatives will be notified by _____ |
| <input type="checkbox"/> Medical assistance will be called by _____ | <input type="checkbox"/> Media will be notified by _____ |
| <input type="checkbox"/> Law enforcement will be notified by _____ | <input type="checkbox"/> Press releases will be made by _____ |
| <input type="checkbox"/> Crisis Response Team will be called by _____ | <input type="checkbox"/> Trauma counseling will be handled by _____ |
| <input type="checkbox"/> Crisis Response Team will be located at (room or building) _____ | <input type="checkbox"/> Cleanup or repair to facilities will be handled by _____ |
| <input type="checkbox"/> Alternate site for response team _____ | <input type="checkbox"/> Employees' return to the workplace will be determined by _____ |
| <input type="checkbox"/> Meeting place for employees in case of evacuation of the building _____ | |
| <input type="checkbox"/> Alternative employees' meeting site _____ | |
| <input type="checkbox"/> Victims' families will be notified by _____ | |
| <input type="checkbox"/> Employees' families will be briefed by _____ | |
| <input type="checkbox"/> Employees will be briefed by _____ | |

AFTER THE CRISIS

- Make certain that business can continue.
- Make certain that only one person represents the organization to the media.
- Hire a clean-up crew.
- Be accessible to employees.

APPENDIX B:

The following checklist is based on an example within Hawaii's workplace violence handbook. (8). The purpose of this checklist is to provide a means of obtaining accurate, first-hand information of the details of a threat as it is occurring.



Obviously, all callers will not intend to threaten your organization; therefore, it may be beneficial to state an apology prior to asking more intrusive questions in an effort to ease the mind of the incoming caller. It is also important to be respectful of the caller. Always address the caller as “Sir” or “M’ aam” in a soft tone of voice.

After a checklist has been completed, please send it to the person designated to handle workplace violence matters within your organization.

TELEPHONE CHECKLIST

- Date
- Male or Female
- Time (a.m. or p.m.)
- Voice Characteristics
- Caller ID (if applicable)
- Caller’s Words
- Surrounding Noises
- Additional Information
- Name of Employee
- Name of Supervisor

SPECIFIC QUESTIONS TO BE ASKED OF THE CALLER

- May I ask your name?
- What kind of problem do you have? What can I do to help you?
- Please calm down, and let me explain to you what you need to do.
- Is there anything else that we can help you with?
- Could I please get your telephone number or have someone return your call?
- Do you have any other concerns?

ADDITIONAL INFORMATION / TELEPHONE LOG

Comments:

Questions:

Concerns:

Name:

Date:

Comments:

Questions:

Concerns:

Name:

Date:

APPENDIX C:

SAMPLE WORKPLACE VIOLENCE POLICY (19)

To All Employees Of (name of organization):

This is a statement by (name of organization) written in an effort to diminish crime within the workplace. Each of you should understand that (name of organization) is committed to a safe and healthful workplace; therefore, workplace violence will not be tolerated within (name of organization). Also, it is important for each employee to understand that the threat of workplace violence is a reality; no organization is immune.

For your understanding, the United States Department of Agriculture defines workplace violence as “any act of violence, against persons or property, threats, intimidation, harassment, or other inappropriate, disruptive behavior that causes fear for personal safety at the worksite.” Any report whatsoever of the above behavior will be subject to assessment by (name of organization). The penalty for any form of workplace violence may include, but is not limited to, the following: increased supervision, counseling, removal from the premises of (name of the organization), termination, and/or criminal liability.

In order to implement an effective workplace violence policy, we must all actively work together. Our goal is to provide security for each employee within their work environment. Therefore, if any of you witness behavior that fits the above description of workplace violence, whether the act is done by a co-worker or a person with whom you are not acquainted, please report such behavior to your immediate supervisor. Any reports should then be forwarded to (the appropriate named agency).

Please review the contents of this workplace violence handbook for more specific clarification, or you may contact your supervisor. *Please note:* if an individual is subject to an **immediate threat**, contact security at xxx-xxxx or dial 911 for assistance. Thank you all for your service to (name of organization).

Sincerely,

(CEO, President, Chief of Staff, etc.)

APPENDIX D:

WORKPLACE VIOLENCE INSPECTION QUESTIONNAIRE

This chart has been adapted from the American Federation of State, County, and Municipal Employees website. (12). It may be used as a method for assessing an organization's present procedures on workplace violence. Also, answering these questions should indicate whether new policies should be implemented or old policies revised to provide greater protection of employees on a daily basis.

If, while completing the questionnaire, a question does not apply to the policies of (name of organization) respond by stating *not applicable* or "N/A."

Additional space for specific comments, suggestions, or concerns is provided at the end of the questionnaire.

PERSONNEL	YES	NO
Does the organization conduct background checks prior to hiring new employees?		
If so, is a written policy or procedure implemented for this procedure?		
Does the organization require applicants to submit references prior to employment?		
Is an applicant required to list past instances of violence on his or her employment application?		
Does the organization conduct drug and alcohol testing of all its employees?		
Does the organization have a human resources department?		
Has the organization designated a key person who is authorized to act in case of an emergency?		
Are the organization's employees involved primarily in administrative work?		
Are the organization's employees involved primarily in physical labor?		
Is the workplace policy consistently enforced by the organization to ensure compliance?		

WORKPLACE TRAINING	YES	NO
Does the organization have a general evacuation policy in effect?		
If so, are the employees trained as to the escape procedures?		
Does the organization have any workplace training presently?		
Does the organization involve any other agency in its basic training procedures?		
Other than basic training, does the training include violence prevention?		
If so, does the violence prevention training address <i>pro-active</i> prevention of violence?		
Does the organization actively distribute information concerning workplace violence throughout the workplace?		
Does the organization have an effective system of reporting suspicious behavior to his or her supervisor?		
Does the organization remove ID and passwords from employees upon termination?		
Does the training address action to be taken <i>during</i> an actual episode of violence?		
Does the organization have medical and police personnel on standby?		
Is a building plan implemented and accessible to the employees?		
Have the building plan and emergency plan been filed with local law enforcement and emergency personnel?		
Are the managers and supervisors trained in stress management techniques?		
Does the organization have a multi-disciplinary threat assessment team?		
Does the organization have a protocol for threat assessment?		
Does the training address action to be taken <i>after</i> an actual episode of violence?		
Are de-briefing sessions held after a violent incident?		
Is medical assistance provided to those in need?		
Are new procedures considered for implementation after a violent episode has occurred?		

THREAT ASSESSMENT	YES	NO
Does the organization have a threat assessment team in place?		
If so, does the team periodically review with employees the common behavior of a person likely to commit workplace violence?		
Does the organization have each of its supervisors report potentially violent behavior to management?		
Does the organization notify employees of past violent behavior of their co-workers?		
Are Employee Assistance Programs provided by the organization?		

SECURITY	YES	NO
Does the organization have an active alarm/security system implemented?		
Is the organization guarded by security daily?		
If so, are the guards on the workplace site 24 hours a day?		
If not, is workplace security provided 12 hours a day?		
Is proper lighting provided in the organization's parking lot?		
Has the organization given each employee an emergency phone list for his or her use?		
Does the organization require all employees to wear ID badges while in the workplace?		
Does the organization have the proper number of emergency exits as mandated by their building plan?		
Does the organization consistently enforce security procedures?		

RISK FACTORS	YES	NO
Historically, has the organization hired employees with substance abuse problems?		
Does the organization ever provide alcohol on the premises?		
Does the organization require its employees to come in frequent contact with customers or patrons?		

ADDITIONAL RESOURCES

VICTIMS ASSISTANCE COORDINATORS AND DISTRICT ATTORNEYS

1st Judicial District

Victim Assistance Coordinator: Marilyn Reed

District Attorney John Young 662-844-5579

Itawamba, Lee, Monroe, Pontotoc

1st Judicial District

Victim Assistance Coordinator: Linda White

District Attorney John Young 662-287-2486

Alcorn, Prentiss, Tishomingo

2nd Judicial District

Victim Assistance Coordinators: Franchelle Daniels & Angele Gardner

District Attorney Cono Caranna 228-865-4003

Harrison, Hancock and Stone

3rd Judicial District

Victim Assistance Coordinator: Dianne Dickerson

District Attorney Benjamin Creekmore 662-234-3304

Benton, Lafayette, Marshall, Tippah and Union

3rd Judicial District

Victim Assistance Coordinator: Jan Marsh

District Attorney Benjamin Creekmore 662-234-3304

Calhoun, Chickasaw, Lafayette and Union

4th Judicial District

Victim Assistance Coordinator: Dora Ross

District Attorney Joyce Childs 662-453-1089

Leflore

4th Judicial District

Victim Assistance Coordinator: Stacey Nance

District Attorney Joyce Childs 662-332-3619

Washington

4th Judicial District

Victim Assistance Coordinator: DeeDee Pruitt

District Attorney Joyce Childs 662-887-4306

Sunflower

5th Judicial District

Victim Assistance Coordinator: Margie Scruggs

District Attorney Doug Evans 662-226-8545

Attala, Carroll, Choctaw, Grenada, Montgomery, Webster and Winston

6th Judicial District

Victim Assistance Coordinator: Linda Futrell

District Attorney Ronnie Harper 601-445-4099

Adams, Amite and Franklin

- 6th Judicial District
 Victim Assistance Coordinator: Sonette Tensley
 District Attorney Ronnie Harper 601-445-4099
 Wilkinson
- 7th Judicial District
 Victim Assistance Coordinator: Nancy Lee
 District Attorney Faye Peterson 601-968-6568
 Hinds
- 8th Judicial District
 Victim Assistance Coordinator: Rhonda Thomas
 District Attorney Mark Duncan 601-656-1991
 Leake, Neshoba, Newton, Scott
- 9th Judicial District
 Victim Assistance Coordinator: Georgia Lynn
 District Attorney Gilmore Martin 601-636-5754
 Issaquena, Sharkey, Warren
- 10th Judicial District
 Victim Assistance Coordinators: Shirley Adams & Suzanne Youngblood
 District Attorney Ellis J. (Bilbo) Mitchell, III 601-482-9758
 Clarke, Kemper, Lauderdale, Wayne
- 11th Judicial District
 Victim Assistance Coordinator: Beverly Harris
 District Attorney Laurence Mellen 662-843-8000
 Bolivar, Coahoma, Quitman, Tunica
- 12th Judicial District
 Victim Assistance Coordinator: Gail Parkerson
 District Attorney Jon Mark Weathers 601-545-1551
 Forrest, Perry
- 13th Judicial District
 Simpson Co. Courthouse
 Victim Assistance Coordinator: Mary Carroll Prince
 District Attorney Ed Bowen 601-847-1342
 Covington, Jasper, Simpson, Smith
- 14th Judicial District
 Victim Assistance Coordinators: Jamie Murrell & Vanessa Washington
 District Attorney Dee Bates 601-930-2772
 Lincoln, Pike, Walthall
- 15th Judicial District
 Victim Assistance Coordinator: Beth Barnes
 District Attorney Claiborne 'Buddy' McDonald . 601-731-1476 • 1-800-711-6960
 Lawrence, Marion, Jefferson Davis
- 15th Judicial District
 Victim Assistance Coordinator: Jeff Caillouet
 District Attorney Claiborne 'Buddy' McDonald . 601-795-3064 • 1-800-711-6960
 Lamar, Pearl River

16th Judicial District
Victim Assistance Coordinator: Greta Bryan
District Attorney Forrest Allgood 662-329-5911
Clay, Lowndes, Noxubee, Oktibbeha

17th Judicial District
Victim Assistance Coordinator: Sherri Franks
District Attorney John W. Champion 662-429-1374
Desoto, Tate

17th Judicial District
Victim Assistance Coordinator: Ida Bryan
District Attorney John W. Champion 662-563-6636
Panola, Tallahatchie, Yalobusha

18th Judicial District
Victim Assistance Coordinator: Deborah Warren & Joy Berry
District Attorney Anthony “Tony” Buckley 601-649-4606
Jones

18th Judicial District
Victim Assistance Coordinator: Weda Cole
District Attorney Anthony “Tony” Buckley 601-649-4606
Jones

19th Judicial District
Victim Assistance Coordinator: Jennifer Garraway
District Attorney Anthony “Tony” Lawrence 228-769-3045
George, Greene, Jackson

20th Judicial District
Victim Assistance Coordinator: Beth Colbert
District Attorney David Clark 601-825-1472
Rankin

20th Judicial District
Victim Assistance Coordinator: Julia Phelps
District Attorney David Clark 601-859-7838
Madison

21st Judicial District
Victim Assistance Coordinator: Ethel Durham
District Attorney James H. Powell 662-653-3191
Yazoo, Holmes, Humphreys

22nd Judicial District
Victim Assistance Coordinator:
District Attorney Alexander Martin 601-894-5040
Claiborne, Copiah, Jefferson

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