420.300 General

a. This subpart establishes the Natural Resources Conservation Service (NRCS) Workplace Violence Policy whereby NRCS employees are given uniform, systematic information and training. This policy deals with the assault of an NRCS employee by federal as well as nonfederal personnel.

b. Regional Conservationists (RC) and State Conservationists (STC), Directors of the Pacific Basin and Caribbean Areas, Deputy Chiefs, Directors of the Centers and Institutes, and NHQ Division Directors shall designate appropriate personnel to implement the workplace violence training.

c. This directive establishes the requirements for the development and implementation of the NRCS Workplace Violence Policy.

420.301 Authority

a. Title 29, Code of Federal Regulations, Part 1960.8, outlines the regulations for agency heads to assure each employee a safe and healthful workplace, free from recognized hazards that are causing or likely to cause death or serious physical harm.

b. Title 18, United States Code, section 111 and 115, is the law and Title 36, Code of Federal Regulations, 261.3, are regulations regarding the protection of government employees and their families from assault, threat, intimidation, or interference resulting from the performance of their official duties or on account of their official duties.

420.302 Goals

a. To ensure that NRCS employees are protected to the maximum extent possible from assaults, threats, intimidation, and interference from persons while performing their official duties and to take appropriate actions where such incidents occur.

b. To increase the awareness of all NRCS employees of the complexity of workplace violence.

c. To reduce the opportunity for NRCS employees and their families to fall victim to assault.

d. To enhance awareness and support actions to meet the needs and rights of victims.

e. To increase the awareness and importance of the Human Resources (HR) personnel, Employee Relations (ER) personnel, and the Employee Assistance Program (EAP) in helping to defuse potentially dangerous situations and to improve employee well-being.

420.303 Policy

Assaults, threats, and intimidation to, or interference of NRCS employees or their families engaged in, or on account of the performance of their official duties, shall not be tolerated and shall be thoroughly investigated.

420.304 Responsibilities

a. It is up to each employee to help make USDA a safe workplace for all of us. The expectation is that each employee will treat every other employee, as well as the customer and potential customer of USDA's programs, with dignity and respect. It is the responsibility of every NRCS employee to report all incidents of threats, assaults, and harassment to their manager/supervisor. Quite often, employees are hesitant to report bad situations, perhaps we feel we might have done something differently, or we somehow caused the problem, or we did not act appropriately. Employees must remember that the incident does not reflect on you; you did not cause the problem, if you do not report the problem, the same incident or person may continue to cause problems.

b. Employees must share concerns with their manager/supervisor; failing to do so could increase the chance of future problems. Supervisors/Managers must be trained to handle situations/encounters.

c. Employees must maintain an awareness of potential hazardous situations and attempt to avoid confrontation with threatening individuals. Employees must respond to potential threats and escalating situations by utilizing proper resources from the following: local law enforcement, medical services, Federal Protective Service (FPS), ER, HR, and EAP.

d. Managers and Supervisors shall not force an employee to enter a potentially dangerous situation by coercion, discrimination, or reprisal. All employees have the right to judge the potential danger of any given situation and determine whether it is safe to proceed or back off.

e. Each Regional Conservationist will appoint a Threat Assessment Team (TAT) for their region. The Regional TAT will cover all NRCS employees within the region. The Deputy Chief for Management will appoint a TAT for National Headquarters. Specific details regarding the establishment of the TAT can be found in the NRCS Emergency Response Plan (ERP).

f. RC, STC, Directors of the Pacific Basin and Caribbean Areas, Deputy Chiefs, Directors of the Centers and Institutes, and NHQ Division Directors are responsible for carrying out the following provisions of this subpart within their administrative area.

(1) Each administrative area will appoint a person to address local and national media in response to the news media's request for information regarding the assault, threat, and intimidation to, or interference of employees.

(2) Ensure that security awareness training is provided to all employees.
(3) Identify and address any hazardous workplace situations or geographical areas. Establish a plan to minimize the hazard.
(4) Establish an ERP for each office which includes evacuation procedures to respond to:
    a. Bomb Threats
    b. Civil Disturbances
    c. Hostage Situations
    d. Unwanted Intruders
    e. Fire
    f. Flood
    g. Severe Weather Procedures
(5) The ERP should include the phone numbers of:
    a. Local Police
    b. FPS
    c. Office of Inspector General
    d. Office of General Council
    e. Federal Bureau of Investigation
    f. EAP
    g. Threat assessment team contact (TATC) person
(6) The expertise of the HR, ER, and EAP should be used to the fullest extent possible at the beginning of an incident to ensure a successful resolution of the incident.
(7) EAP Coordinators are to ensure that support and consultation to victims, supervisors, and managers (via their EAP provider or contractor) are available, and that debriefing sessions are held regarding each incident.
(8) Establish procedures for the protection of employees working alone and/or away from the office.

420.305 Emergency (incident phase)

Any employee who is assaulted, threatened, or intimidated within the course of his/her duties shall do the following:

(1) Secure your own safety.
(2) Call 911 or local emergency number for situations requiring the immediate assistance of medical services and/or law enforcement authorities.
(2) The employee should immediately notify their supervisor/manager.
(3) The supervisor/manager will inform HR and ER of the incident.
(4) HR will inform the National Safety and Occupational Health Manager and the TATC person.

420.305(7)

(5) The employee will Immediately send the written report via e-mail or fax transmittal to his/her immediate supervisor, TATC person, and the National Safety and occupational Health Manager. HR will supply the employee with e-mail addresses or fax numbers to file the report.

(6) The immediate supervisor will work with the local ER , HR and the TATC person, and in collaboration with them will take measures to defuse the incident and administer to the victims needs.

(7) The immediate supervisor will report to the local ER, HR and TAT as to actions taken and future actions which are planned.

(8) TAT will review the actions taken and may make suggestions as to additional procedures which they recommend be implemented.

420.306 Post-Incident Phase

(1) After the incident has been investigated and resolved, the TAT will meet to review the incident to determine whether preventive measures should be changed or amended for responding to future incidents.

(2) AP counselors will be made available to provide critical incident stress debriefings for employees affected by an incident.

420.307 Threat Assessment Team (TAT)

The TAT will convene in person or by phone upon receipt of a report of a serious assault, threat, intimidation, or interference of an employee to determine what further preventive measures are needed. The team shall be comprised of not more than four of the following representatives:

(1) ER Specialist
(2) Supervisor/Manager
(3) Equal Employment Opportunity (EEO) Officer
(4) District Conservationist (DC)
(5) EAP Counselor
(6) Collateral Duty Safety Officer
(7) Public Information Officer
(8) Office of Inspector General
(9) Office of General Counsel
(10) Union Representative
(11) Federal Protective Service
(12) Outside Law Enforcement

420.308(d)

The TAT will assist, HR, ER, Supervisor/Manager and the Victim to ensure that proper steps are being taken to resolve and defuse hostile and dangerous situations. Any consensus by the TAT regarding the incident will be relayed by the TATC person to the HR office handling the case. If the HR office does not take action on the advice received from the TATC person, the HR Manager must report in writing their reasons for not implementing the TAT's recommendations.

420.308 Employee Training

a. Workplace Violence training will be provided to all NRCS employees on how to recognize and avoid potentially dangerous situations, avoid confrontations, and how to manage unavoidable confrontations.

b. Training should be conducted by qualified internal or external subject matter expert.

c. Training will consist of a minimum of two (2) hours during which time the following subjects shall be covered:

(1) Overview of the NRCS Workplace Violence Policy, the Secretary's Memorandum on Workplace Violence dated September 12, 1996, and the USDA Handbook.
(2) Definitions of Workplace Violence
(3) Recognition of Workplace Violence and What To Do
(4) Bomb Threats
(5) Conflict Management
(6) Field, Office, and Travel Security
(7) Local issues and concerns
(8) Working alone and/or away from the office

420.309 Supervisory Training

All managers, supervisors, and team leaders who supervise one or more employees will receive training:

a. To encourage employees to report threatening incidents
b. In seeking advice from experts such as ER, HR, and EAP
c. In sensitivity toward employee problems
d. In taking decisive action when discipline is needed
e. In how to do pre-employment screening
f. To understand the purpose for the probationary period

Consult with your local HR, ER and Collateral Duty Safety Officer (CDSO) for detailed information on the above subjects.

420.310 Suspension of NRCS Services

a. NRCS shall suspend service to a customer when NRCS employees are assaulted, threatened, intimidated, or interfered with in the performance of their official duties. Policy on suspension of NRCS services is listed in: Equal Employment Opportunity, GM-230 Part 401.36 (c) February 1992 and the National Food Security Act Manual, 180-V-NFSAM, 3rd. ED., March 1994, Parts 519.60 and 519.61.

b. If service to a customer is suspended by NRCS, the Farm Services Agency and Rural Development should be notified that compliance with the Food Security Act cannot be verified because of unsafe conditions at the customer's facility. Until the condition is resolved, it is suggested that all USDA services to that customer be suspended.

420.311 U.S. Code Provisions for protection of Federal employees

a. 18 U.S.C. 111: Assaulting, resisting, or impeding certain officers or employees.

b. 18 U.S.C. 1114: Protection of officers and employees of the United States.

420.312 Prosecution

a. The victim has the right to press criminal charges through civil court. NRCS may also prosecute the case through the Office of General Counsel.

b. If the victim decides to sue the assailant in civil court for monetary damages, the victim will do so at their own expense.