

WORKPLACE SECURITY

I. **PURPOSE:** To describe to all individuals (e.g., employees, visitors, vendors and the general public) the security measures in effect for State government workplaces and within the Capitol Complex and to provide general advice and guidance to employees who may be faced with threatening or dangerous workplace situations.

II. DEFINITIONS

- A. **Blackjack:** A short bludgeon consisting, at the striking end, of an encased piece of lead or some other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact when a person or object is struck. The term “blackjack” shall include, but not be limited to, a billy, billy club, sand club, sandbag or slapjack.
- B. **Concealed:** Hidden from ordinary observation so as to prevent disclosure or recognition. A deadly weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the deadly weapon was being carried.
- C. **Dangerous/Deadly Weapon:** An instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term “dangerous/deadly weapon” shall include, but not be limited to the instruments defined in A, D, E, G, H, I, J, and L of this section, or other deadly weapons of like kind or character which may be easily concealed on or about the person.
- D. **Firearm:** Any weapon which will expel a projectile by action of an explosion.
- E. **Gravity Knife:** Any knife that has a blade released from the handle by the force of gravity or the application of centrifugal force, and when so released is locked in place by means of a button, spring, lever, or other locking or catching device.
- F. **ID Badge:** An official identification card issued to all State employees which contains the employee’s name, photograph, the name of the employee’s department and division as well as the employee’s official identification number, and the date of the card’s issuance.
- G. **Knife:** An instrument, intended to be used or readily adaptable to be used as a weapon, consisting of a sharp-edged or sharp-pointed blade, usually made of steel, attached to a handle, which is capable of inflicting cutting, stabbing or tearing wounds. The term “knife” shall include, but not be limited to, any dagger, dirk, poniard or stiletto with a blade over three and one-half inches in length, any switchblade knife or gravity knife, and any other instrument capable of inflicting cutting, stabbing, or tearing wounds. A pocket knife with a blade three and one half inches or less in length, a hunting or fishing knife carried for hunting, fishing, sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included with the term “knife” as defined herein, unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.



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- H. **Metallic or False Knuckles:** A set of finger rings attached to a transverse piece, to be worn over the front of the hand for use as a weapon, and constructed in such a manner that, when striking another person with the fist or closed hand, considerable physical damage may be inflicted upon the person struck. The term “metallic or false knuckles” shall include any such instrument, without reference to the metal or other substance or substances from which the metallic or false knuckles are made.
- I. **Nunchaku:** A flailing instrument consisting of two or more rigid parts, connected by a chain, cable, rope or other nonrigid, flexible or springy material, constructed in such a manner as to allow the rigid parts to swing freely, so that one-rigid part may be used as a handle and the other rigid part may be used as the striking end.
- J. **Pistol or Revolver:** A pistol is a short firearm that has a chamber which is integral with the barrel, and a revolver is a short firearm that has a cylinder of several chambers that are brought successively into line with the barrel to be discharged. Both are designed to be aimed and fired by the use of a single hand.
- K. **Proximity Card:** A State-issued access or key card that permits an employee to enter a particular State-owned or leased facility within set parameters of day, date, and time.
- L. **Switchblade Knife:** Any knife having a spring-operated blade which opens automatically upon pressure being applied to a button, catch or other releasing device in its handle.
- M. **Threatening Behavior:** Conduct assessed, judged, observed, or perceived by a reasonable person to be so outrageous and extreme as to cause severe emotional distress or cause, or is likely to result in, bodily harm.
- N. **Workplace:** A site where work is performed. The workplace shall include facilities, property, buildings, offices, structures, automobiles, trucks, trailers, or other means of conveyance (either private or public, while engaged in the performance of duties), and parking areas, whether owned or leased by a public agency or entity.

III. POLICY: It is the policy of the State of West Virginia to take reasonable measures to ensure the health, safety, and welfare of State employees and the general public they serve, while in the buildings or on the grounds of the State Capitol Complex and all other State government workplaces by screening mail and monitoring and limiting the access of all individuals to State government workplaces. In addition, this policy prohibits the possession, by an unauthorized individual, of any firearm or dangerous/deadly weapon or the exhibition of threatening behavior in any public-owned or leased building or work site.

- A. **Coverage:** The provisions of this policy apply to all State employees, as well as to their clients/customers, visitors, vendors and to the general public, unless otherwise noted.
- B. **Possession of a Firearm or Dangerous/Deadly Weapon**
 - 1. The possession of firearms or dangerous/deadly weapons in the workplace by any individual, **including any individual who possesses a license to carry a concealed weapon, is prohib-**



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- ited.** Any employee who violates this prohibition shall be subject to disciplinary action, up to and including dismissal and may be subject to arrest and criminal prosecution.
2. The above prohibition (III.B.1.) does not apply to the following:
 - a. Any federal, state, or local government security or law enforcement personnel, or other employee (e.g., Wildlife Biologist) who, because of the nature of his or her work, is duly authorized by his or her appointing authority to possess a firearm while engaged in his or her official capacity.
 - b. Cased and unloaded hunting equipment, firearms, etc., secured in a locked personal vehicle on State property.
 - C. **Threatening or Assaultive Behavior:** Threatening or assaultive behavior will not be tolerated and must be resolved by managers/supervisors on a case-by-case basis. Any employee engaging in such behavior shall be subject to disciplinary action, up to and including dismissal. Any person (e.g., client, customer, vendor, visitor, etc.) who exhibits threatening, hostile, or abusive behavior, either physically or verbally, or who otherwise willfully interrupts or molests the orderly and peaceful process of any department, division, or agency of State government, may be denied services and may be subject to arrest and criminal prosecution. In determining whether an individual poses a threat or a danger, consideration must be given to the context in which a threat is made and to the following:
 - the perception that a threat is real;
 - the nature and severity of potential harm;
 - the likelihood that harm will occur;
 - the imminence of the potential harm;
 - the duration of risk, and/or
 - the past behavior of an individual.
 - D. **Monitoring Mail and Deliveries:** All mail delivered to the Capitol Complex by the U. S. Postal Service, and packages delivered by any delivery service shall be visually inspected. If warranted, any mail item or package shall be x-rayed to determine if it contains explosives, a weapon, or other dangerous substances.
 - E. **Restricted Access to Capitol Complex Office Buildings**
 1. **Employee Identification Badge** - Each State employee who works in the Capitol Complex shall prominently display his or her State-issued ID Badge at all times while inside a Capitol Complex building. Any employee who cannot prominently display his or her ID Badge due to safety reasons shall keep his or her ID Badge on his or her person and shall produce it, upon request, to confirm his or her identity. Any employee who refuses or otherwise fails to display or produce his or her ID Badge shall be barred from entering any Capitol Complex building and may be subject to disciplinary action, up to and including dismissal.
 2. **Visitor Identification Badge** - Every visitor entering a building in the Capitol Complex shall prominently display his or her Visitor's Badge during the entire length of his or her visit to the building. Visitor's Badges will be issued at public access areas or by other pre-arrangements and



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will expire at the end of each day. Any visitor who refuses to wear or display a Visitor's Badge shall be denied access to Capitol Complex buildings.

3. Employee Proximity Card - Each employee working in the Capitol Complex shall utilize a State-issued proximity card when entering any Capitol Complex building requiring a proximity card. Any employee who forgets, loses or misplaces his or her proximity card shall be required to undergo the same screening that visitors and other non-employees are subjected to when attempting to enter any Capitol Complex building. Refusal of an employee to submit to such screening shall result in the employee being refused admission to the building and the employee may be subject to disciplinary action, up to and including dismissal. Any employee who loans or permits another person to use his or her proximity card shall be subject to disciplinary action, up to and including dismissal.
4. Employee Access - Any employee, by using his or her proximity card, will normally be able to freely enter, without being subject to security screening, the specific Capitol Complex building(s) authorized by his or her employer on the specific days and during the specific hours authorized by his or her employer. Any employee wishing to enter any Capitol Complex building(s) on day(s) or at times not authorized by his or her employer, shall be subject to the same security screening as a visitor.
5. Door Security - When exiting a Capitol Complex building through a doorway other than a proximity card-activated door, such as a fire escape door, employees are responsible for ensuring the door closes securely behind them. No door is to be propped open or otherwise rendered to allow a non-authorized person access to a Capitol Complex building. Any employee who violates this provision shall be subject to disciplinary action, up to and including dismissal, and may be subject to arrest and criminal prosecution.
6. Separating Employees - When any employee leaves employment with an agency, he or she shall surrender to his or her immediate supervisor, his or her State-issued proximity card and his or her State-issued ID Badge, unless he or she is transferring within the same division and within the Capitol Complex, in which case he or she may retain the State-issued ID Badge. Each departing employee shall surrender his or her proximity card even if he or she is transferring to another agency in the same office building. Any departing employee who fails to surrender his or her ID Badge or proximity card, or both when required, to his or her employer shall be subject to civil action in a court of competent jurisdiction for the recovery of such State property.
7. Vendors/Independent Contractors - Vendors who deliver goods and independent contractors who visit the Capitol Complex to perform services, shall be subjected to the same screening procedures as other visitors seeking admittance to Capitol Complex buildings and shall observe all other regulations applicable to visitors in general.
8. Visitors and Other Non-employees - All visitors and non-employees who seek entrance to a Capitol Complex building shall be required to pass through an x-ray security screening device, as shall any packages, parcels or containers they may be carrying. In addition, such individuals may be required to empty the pockets of their clothing. Those individuals who cannot successfully pass through x-ray security screening shall be subject to scanning by a hand-held metal detector. Prohibited items will not be confiscated or held by the staff of the Division of



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Protective Services. Anyone possessing a prohibited item will not be permitted to enter until the prohibited item is no longer in their possession. Any visitor who refuses to submit to such screening shall be denied access to Capitol Complex buildings.

- F. Appointing authorities are authorized to establish measures to restrict access to State government workplaces outside the Capitol Complex in accordance with the purpose of this policy.

IV. RESPONSIBILITIES

- A. Agencies: It shall be the responsibility of each agency to:
- Post the Workplace Security Policy in a central location of the agency, and at all satellite offices and to post the Workplace Security Poster at all entrances, exits, and throughout each work site.
 - Distribute a copy of the Policy and the appropriate Workplace Security Acknowledgment Form (Appendix A or B) to each current employee, new employees during enrollment and orientation; and maintain the signed acknowledgment form in each employee's personnel file.
 - Establish internal procedures to ensure a safe working environment and develop specific plans to respond to and defuse potentially dangerous or threatening situations.
 - Ensure that employees are taught how to respond and what agencies to call when dealing with hazardous or dangerous situations which involve threatening behavior, firearms, suspected explosive devices, or biohazards.
 - Enforce the provisions of this policy and administer appropriate disciplinary action for any violation.
- B. Technical Assistance/Training: The West Virginia Division of Personnel, in conjunction with the Division of Protective Services, shall provide technical assistance and training designed to orient all employees who work at the Capitol Complex to security measures. This training shall be mandatory for State employees whose main work site or office is located within the Capitol Complex. Training will also be available to any other employee of a State agency, local health department, or vendor who wishes to participate in such training on a voluntary basis.

V. PROCEDURES

- A. Possession of a Firearm/Concealed Weapon/Threatening Behavior: Any employee who know or suspects that an unauthorized person, (such as a fellow-employee, visitor, vendor, etc.) possesses a firearm or other dangerous/deadly weapon, or that any person is engaged in threatening behavior or language while on State Capitol grounds, should notify his or her immediate supervisor, and if necessary, should call 911, the Division of Protective Services, at 558-9911, or other appropriate law enforcement officials. While supervisors and employees may attempt to peacefully calm threatening behavior, under no circumstances should any employee attempt to confiscate any firearm or dangerous/deadly weapon from any individual.



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- B. Workplace Searches: As a public employer, each appointing authority may open and inspect public properties for a work-related purpose. Additionally, based on a reasonable, good faith, objective suspicion of a present danger, appointing authorities may search not only an employee's work area, locker or desk, but also personal property which may include a briefcase, purse, lunch box, backpack, or car while on the employer's premises.
1. A search of the workplace depends on the circumstances in which a search takes place. Such a search must be based on a reasonable, good faith, objective suspicion, and should have the approval, in advance, of the Appointing Authority, or designee. All searches must satisfy the following criteria.
 - the search was justified at the time it was conducted, and
 - the search must be reasonably related in scope to the circumstances which led to the search.
 2. Only under compelling circumstances should an agency search an employee's person or clothing and any such search shall be conducted in a confidential manner by someone of the same gender and take place in a secure and private area, in the presence of a witness, who is also of the same gender.
- C. Self-Defense Items: The possession of items such as pepper spray and mace, which are carried for self-defense purposes, is prohibited in the Capitol Complex. Such items should be locked securely in an employee's vehicle. Employees who violate this prohibition shall be subject to disciplinary action, up to and including dismissal. If an employee does not have his or her proximity card and passes through a public access station with such item(s), the employee will be denied access and given the opportunity to return to his or her vehicle to secure the item(s).
- D. Folding Pocket and Belt Knives/Box Cutters: Folding pocket knives, folding knives carried in a sheath on the belt, and box cutters/razor blades with a blade not more than three and one-half inches in length are permitted in the Capitol Complex, when used for their intended purpose. Any knife or box cutter that is used in a threatening manner shall be treated as a dangerous/deadly weapon.

VI. REFERENCES

- A. *W. Va. Code* § 61-7-1 et seq.
- B. *W. Va. Code* § 61-3B-5, Trespass on State government property; aiding and abetting penalties.
- C. *W. Va. Code* § 61-6-1b, Disorderly conduct; penalty.
- D. *W. Va. Code* § 61-6-19, Willful disruption of governmental processes; offenses occurring at State capitol complex; penalties.
- E. *W. Va. Code* § 61-7-14, Right of certain persons to limit possession of firearms on premises.
- F. Restatement (2nd), Torts, §46, Comment D to §46.



G. *O'Conner v. Ortega*, 480 US 707, 94 L.Ed, 2d 714, 107 S Ct. 1492 (1987).

H. *Precision Window Manuf. Inc. v. N.L.R.B.*, 963 F.2d 1105 (1992).

VII. EFFECTIVE DATE: May 1, 1995.

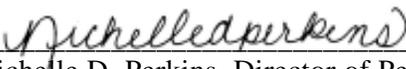
VIII. REVISIONS:

A. Previous Revisions: None

B. Latest Revision: July 1, 2002

IX. POLICY NUMBER: DOP-P15.

Approved and Issued By:



Nichelle D. Perkins, Director of Personnel

Date Signed: June 5, 2002.



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EMPLOYEE ACKNOWLEDGMENT FORM

I hereby certify that I have received a copy of the Division of Personnel’s Workplace Security Policy and have read and understand the policy. I understand that exhibiting violent behavior, issuing threats, or other activities as indicated are a violation of this policy. I also realize that participating in, encouraging, or instigating threats or violent activities is prohibited. I understand that violation of this policy may result in disciplinary action up to and including dismissal. I understand that certain violations of this policy may result in arrest and criminal prosecution.

I acknowledge responsibility to notify my department head, the human resource director, my immediate supervisor, or, if necessary, law enforcement officials regarding threats, potential acts of violence, or violent activities. I realize that reported allegations must be made in a good-faith effort to protect individuals and employees from defamation. I understand that deliberate, unwarranted allegations will be viewed as an attempt to disrupt agency operations and may result in disciplinary action.

I acknowledge that, except as provided in Section II, G and Section III, D and E of the Workplace Security Policy I am prohibited from having at my workplace or on my person, any firearm or dangerous/deadly weapon. I realize my employer has the right to search my work area, desk, or under compelling circumstances, personal possessions, or person for firearms or other dangerous/deadly weapons, and may seize any prohibited item deemed necessary.

My signature acknowledges my receipt of the policy and my understanding of its contents. My signature does not indicate that I agree with the content of the policy.

Employee’s Signature

Witness’ Signature

Date: _____

Date: _____



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CAPITOL COMPLEX EMPLOYEE ACKNOWLEDGMENT FORM

I hereby certify that I have received a copy of the Division of Personnel’s Workplace Security Policy and have read and understand the policy. I understand that exhibiting violent behavior, issuing threats, or other activities as indicated are a violation of this policy. I also realize that participating in, encouraging, or instigating threats or violent activities is prohibited. I understand that I am responsible for properly entering and exiting Capitol Complex Office Buildings; for prominently displaying my ID Badge (or producing it upon request if my job duties prevent me from prominently displaying my ID Badge), and for maintaining possession of my Proximity Card. I understand that violation of this policy may result in disciplinary action up to and including dismissal. I understand that certain violations of this policy may result in arrest and criminal prosecution.

I acknowledge responsibility to notify my department head, the human resource director, my immediate supervisor, or, if necessary, law enforcement officials regarding threats, potential acts of violence, or violent activities. I realize that reported allegations must be made in a good-faith effort to protect individuals and employees from defamation. I understand that deliberate, unwarranted allegations will be viewed as an attempt to disrupt agency operations and may result in disciplinary action.

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My signature acknowledges my receipt of the policy and my understanding of its contents. My signature does not indicate that I agree with the content of the policy.

Employee’s Signature

Witness’ Signature

Date: _____

Date: _____