

Case Studies

Introduction

The call comes in.

Someone's been shot — there is a fight going on — someone's been threatened — someone's being stalked by an ex-boyfriend — someone's threatening suicide — someone wants to put a stop to the "Bullying" behavior that's been going on in his office.

These are just a few examples of the types of incidents reported.

How each agency responds to these reports will differ, not only among agencies but also within each agency, because the circumstances surrounding each situation are different. Even in agencies that are highly structured and have well-thought-out procedures in place, the response will necessarily depend on:

- ◆ The nature of the incident,
- ◆ The circumstances surrounding the incident,
- ◆ Who is available to respond, and
- ◆ Who has the skills to deal with the particular situation.

What has been learned from agencies' many years of experience is that the most effective way to handle these situations is to take a team approach, rather than having one office handle a situation alone. In some cases of workplace homicides, it became apparent that the situation got out of control because personnel specialists did not inform security about a problem employee, or coworkers were not warned about the threatening behavior of an ex-employee, or one agency specialist felt he had to "go it alone" in handling the situation.

Agencies should have plans in place ahead of time so that emergency and non-emergency situations can be dealt with as soon as possible. However, it is also necessary to build the maximum amount of flexibility possible into any plan.

Basic Concepts

Since agencies and situations differ, specific steps or procedures to follow on a Governmentwide basis would be inappropriate and

Basic Concepts (continued)

impractical. However, there are some basic concepts that all agencies should keep in mind when formulating their strategy to address workplace violence.

- ◆ Respond promptly to immediate dangers to personnel and the workplace.
- ◆ Investigate threats and other reported incidents.
- ◆ Take threats and threatening behavior seriously; employees may not step forward with their concerns if they think that management will dismiss their worries.
- ◆ Deal with the issue of what may appear to be frivolous allegations (and concerns based on misunderstandings) by responding to each report seriously and objectively.
- ◆ Take disciplinary actions when warranted.
- ◆ Support victims and other affected workers after an incident.
- ◆ Attempt to bring the work environment back to normal after an incident.

How to Use the Case Studies

The case studies presented in this section are derived from real life situations that have arisen in Federal agencies. They are intended to provide assistance to agency planners as they develop workplace violence programs and assess their readiness to handle these types of situations. It should be noted that, in some of the case studies, the circumstances have been modified to make them better learning tools.

As you read the case studies, keep in mind that there is no one correct way to handle each situation. The case studies should not be taken as specific models of how to handle certain types of situations. Rather, they should be a starting point for a discussion and exploration of how a team approach can be instituted and adapted to the specific needs and requirements of your agency.

How to Use the Case Studies (continued)

Questions for discussion The case studies are intended to raise questions such as:

1. Do we agree with the approach the agency took in the case study?
2. If not, why wouldn't that approach work for us?
3. Do we have adequate resources to handle such a situation?

Questions for program evaluation

Establish a system to evaluate the effectiveness of your response in actual situations that arise so that you can change your procedures if necessary. Ask the following questions after reviewing each of the case studies and after planning how your agency would respond to the same or a similar situation:

1. Does our workplace violence program have a process for evaluating the effectiveness of the team's approach following an incident?
2. Would our written policy statement and written procedures limit our ability to easily adopt a more effective course of action in the future, if an evaluation of our response showed that a change in procedures was necessary?
3. Do we have plans to test our response procedures and capability through practice exercises and preparedness drills and change procedures if necessary?

Although these case studies are derived from real life situations, the characters in them are fictional and have been created for educational purposes. No reference to any individual living or dead is intended or should be inferred.

Case Study 1 – A Shooting

The Incident

The report comes in: Two employees have been killed in the workplace and two have been wounded. A witness has called 911 and the police and ambulances have arrived. The perpetrator (an agency employee) has been taken into custody, the victims are being sent to the hospital, and the police are interviewing witnesses and gathering evidence.

Response

In this situation, the agency's crisis response plan called for the immediate involvement of:

- (1) A top management representative,
- (2) A security officer,
- (3) An employee relations specialist,
- (4) An Employee Assistance Program counselor, and
- (5) An official from the public affairs office.

Top management representative. The manager, an Assistant Director of a field office with 800 employees, coordinated the response effort because she was the senior person on duty at the time. In addition to acting as coordinator, she remained available to police throughout the afternoon to make sure there were no impediments to the investigation.

She immediately called the families of the wounded and assigned two other senior managers to notify the families of the deceased. She also arranged for a friend of each of the deceased coworkers to accompany each of the managers. She took care of numerous administrative details, such as authorizing expenditures for additional resources, signing forms, and making decisions about such matters as granting leave to coworkers. (In this case, the police evacuated the building, and employees were told by the Assistant Director that they could go home for the rest of the day, but that they were expected to return to duty the following day.)

Case Study 1 – A Shooting (continued)

To ensure a coordinated response effort, she made sure that agency personnel involved in the crisis had cell phones for internal communication while conducting their duties in various offices around the building.

Security staff. The security staff assisted the police with numerous activities such as evacuating the building.

Employee Relations Specialist. The employee relations specialist contacted the agency’s Office of the General Counsel (OGC) and Office of Inspector General (OIG) and alerted them to the situation so that they could immediately begin to monitor any criminal proceedings. He made a detailed written record of the incident, but he did not take statements from witnesses because it could have impeded the criminal investigation and possible subsequent prosecution of the case. He also helped the supervisor draft a letter of proposed indefinite suspension pending the outcome of the potential criminal matter. He worked closely with the OGC, OIG, and prosecutor’s office to obtain relevant information as soon as it was available so the agency could proceed with administrative action when appropriate.

Employee Assistance Program (EAP) counselor. The agency had only one EAP counselor on duty at the time. However, in prior planning for an emergency, the agency had contracted with a local company to provide additional counselors on an “as needed” basis. The one EAP counselor on duty called the contractor and four additional counselors were at the agency within an hour. The counselors remained available near the scene of the incident to reassure and comfort the employees. Since they were not agency employees, they wore readily visible identification badges.

After the Office of Inspector General received permission from the prosecutor’s office, the agency EAP counselor arranged for a series of Critical Incident Stress Debriefings (CISD) to take place two days later (see page 136 for a discussion of CISD). She also arranged for two contract EAP counselors to be at the workplace for the next week to walk around the offices inquiring how the employees were doing and to consult with supervisors about how to help the employees recover.

Case Study 1 – A Shooting (continued)

Questions for the Agency Planning Group

Public Affairs Officer. The Public Affairs Officer handled all aspects of press coverage. She maintained liaison with the media, provided an area for reporters to work, and maintained a schedule of frequent briefings. She worked closely with the agency's Office of Congressional Relations, who handled calls from congressional offices about the incident.

1. How would your agency have obtained the services of additional EAP counselors?
2. How would employees be given information about this incident?
3. Who would clean up the crime scene?
4. Would you relocate employees who worked in the area of the crime scene?
5. What approach would your agency take regarding granting excused absence on the day of the incident and requests for leave in the days/weeks following the incident?
6. How would you advise management to deal with work normally assigned to the victims/perpetrator?
7. What support would your agency provide to supervisors to get the affected work group(s) back to functioning?

Case Study 2 – Viciously Beating and Wounding a Coworker

The Incident

The following incident was reported to the agency’s Incident Response Team. A female employee had broken off a romantic relationship with a male coworker, but he wouldn’t leave her alone. She finally had a restraining order served to him. After receiving the restraining order, the perpetrator lost control and entered the woman’s office. He hit her; she fell from her chair. While she was on the floor, he broke a soda bottle and cut her face with the broken glass. While this was going on, coworkers heard the commotion and called the police. The perpetrator fled the scene before police arrived and the victim was transported to the hospital.

Response

The Incident Response Team immediately implemented the following plan.

Security. The Security officer worked with hospital security to ensure that the victim got around-the-clock security while she was in the hospital. He ensured that the hospital staff knew not to give out any information about the victim to callers. He gave the victim advice, reading material, and a video on personal safety. He made sure the perpetrator’s card key was inactivated, and he had pictures of the perpetrator made for the building guards. He coordinated efforts with local police.

Employee Assistance Program (EAP). The EAP counselor visited the victim in the hospital and ensured that she was being seen regularly by a social worker on the hospital staff. She worked with the victim’s colleagues to help them be supportive of the victim when she came back to work. The EAP counselor visited the worksite to let coworkers know she was available to them.

Employee Relations. The employee relations specialist contacted the agency’s Office of General Counsel and Office of Inspector General and alerted them to the situation so that they could begin to monitor any criminal proceedings. He helped the supervisor develop a notice of proposed indefinite suspension using the crime provision set forth in 5 USC 7513(b).

Case Study 2 – Viciously Beating and Wounding a Coworker (continued)

Union. The union was fully supportive of the agency’s efforts to help the victim. Since both the victim and the perpetrator were bargaining unit employees, the union was aware of its role to represent all employees in the bargaining unit. In this particular case, the perpetrator grieved, but because of the viciousness of the attack, union officials were reluctant to take the case to arbitration. In addition, realizing that this could happen to other employees, the union officials obtained brochures on stalking from their national headquarters and invited an expert speaker on the subject to a chapter meeting.

Supervisor. The employee’s supervisor obtained all the necessary forms and assisted the employee in filing an Office of Workers Compensation Programs (OWCP) claim to pay for hospital and medical costs. The supervisor and the employee’s coworkers visited her in the hospital, kept in touch with her during her convalescence, and kept her up-to-date on news from the office.

Agency Attorney. An agency attorney maintained contact with the local prosecutor’s office.

Resolution

The police caught and arrested the perpetrator after about 10 days. The agency proposed and effected a removal action against the perpetrator based on a charge of “Wounding a coworker.” He did not appeal the action.

The employee remained hospitalized for two days and then went to the home of a friend until the perpetrator was apprehended. She remained at home for another two weeks before returning to work. Her OWCP claim was accepted. She continues to stay in touch with the Employee Assistance Program counselor who had visited her at the hospital and assisted her during her time away from the office. The counselor referred her to a support group for battered women, and she finds it very helpful.

The perpetrator was found guilty and received jail time. After jail time was served, and at the suggestion of an agency attorney, the court forbade the perpetrator to contact the victim or the agency as one of the conditions of probation. The security officer alerted security guards and discussed security precautions with the victim, ensuring that there would be an effective response if the perpetrator violated this restriction.

Case Study 2 – Viciously Beating and Wounding a Coworker (continued)

Questions for the Agency Planning Group

1. Who at your agency would monitor the proceedings of the criminal case, e.g., to be aware of the situation if the perpetrator got out of jail on bail or probation?
2. Does your security office maintain liaison with and keep in contact with agency or local law enforcement authorities in order to coordinate efforts in these type of cases?
3. Do you have a procedure in place for cleaning up the scene of the incident after investigators are finished examining it?
4. Would employees at your agency know who to call in an emergency — for example, 911, the Federal Protective Service, in-house security, or in-house law enforcement?

Case Study 3 – A Suicide Attempt

The Incident

*A member of the agency's Incident Response Team received a frantic call from an employee saying that her coworker just left her office muttering about **the final straw** — **you all won't have me to push around any more**. She said she's been worried for weeks about the possibility of her coworker committing suicide and knows now she should have called earlier. The staff member who took the call told the employee to see if she could find her coworker and remain with her. Help was on its way.*

Response

For incidents involving suicide threats, the agency's plan was to call local police if there seemed to be imminent danger and, if not enough was known about the situation, to contact security and the Employee Assistance Program (EAP) counselor to do an immediate assessment of the situation.

The team member who took the initial call first contacted a Security officer who immediately located the two employees. The EAP counselor could not be reached immediately, so the team member called an employee in the **Human Resources (HR)** department who had earlier volunteered to help out in emergency situations (she had been trained in her community in dealing with suicide attempts).

The HR specialist arrived at the distressed employee's office within two minutes of the call. The employee was crying at this point and making statements such as, *No one can help me* and *It'll be over soon*. The HR specialist recognized what was happening and asked the security officer to call police and an ambulance and tell them there was a suicide attempt. After calling the police, the security officer went outside to meet the emergency workers and direct them to the scene. The HR specialist then learned from the woman that an hour earlier she had swallowed 10 pills. The police and ambulance were on the scene within three minutes of the call and the woman was hospitalized.

The HR specialist contacted the employee's family and then prepared a report of the incident. The **Employee Assistance Program** counselor consoled and supported the coworker who had initially called the Incident Response Team.

Case Study 3 – A Suicide Attempt (continued)

Emergency treatment was successful, and the employee was admitted to the hospital's psychiatric unit. The EAP counselor and HR specialist stayed in touch with the employee and supported her in planning her return to work. She returned to work four weeks later, functioning with the help of anti-depressant medication and twice-weekly psychotherapy sessions.

With the employee's consent, the EAP counselor arranged a meeting involving the employee, her supervisor, and the Human Relations specialist to coordinate her treatment and work activities. The supervisor agreed to adjust the employee's work schedule to fit her therapy appointments as a reasonable accommodation, and the supervisor provided guidance on procedures and medical documentation requirements for leave approval. The counselor, supervisor, and employee agreed on a plan for getting the employee immediate emergency help if she should feel another crisis coming on.

Resolution

Two years later, the employee is doing well, working a normal schedule, and continues to be a productive employee. She no longer takes anti-depressant medication, but she stays in touch with both her psychiatrist and the EAP counselor.

Questions for the Agency Planning Group

1. Do you agree with the agency's approach in this case?
2. Does your agency have back-up plans for situations where key team members are not available?
3. Has your agency identified employees with skills in handling emergencies?
4. Does your workplace violence policy and training encourage employees to report incidents at an early stage?
5. Does your workplace violence policy and training encourage employees to seek guidance with regard to problems that trouble them even when they don't fully understand the nature of the problem?
6. If the employee had left the building before emergency personnel arrived, does your plan provide for contacting the appropriate authorities?

Case Study 4 – Stalking

The Incident

A supervisor called the Employee Relations office to request a meeting of the workplace violence team for assistance in handling a situation he's just learned about. He was counseling one of his employees about her frequent unscheduled absences, when she told him a chilling story of what she's been going through for the past year. She broke up with her boyfriend a year ago and he's been stalking her ever since. He calls her several times a week (she hangs up immediately). He shows up wherever she goes on the weekends and just stares at her from a distance. He often parks his car down the block from her home and just sits there. He's made it known he has a gun.

Response

This agency's plan calls for the initial involvement of security, the Employee Assistance Program (EAP), and employee relations in cases involving stalking. The security officer, the EAP counselor, and employee relations specialist met first with the supervisor and then with the employee and supervisor together. At the meeting with the employee, after learning as much of the background as possible, they gave her some initial suggestions.

- ◆ Contact her local police and file a report. Ask them to assess her security at home and make recommendations for improvements.
- ◆ Log all future contacts with the stalker and clearly record the date, time, and nature of the contact.
- ◆ Let voice mail screen incoming phone calls.
- ◆ Contact her own phone company to report the situation.
- ◆ Give permission to let her coworkers know what was going on (she would not agree to do this).
- ◆ Vary her routines, e.g., go to different shops, take different routes, run errands at different times, report to work on a variable schedule.

The team then worked out the following plan:

Case Study 4 – Stalking (continued)

1. The **Employee Relations** specialist acted as coordinator of the response effort. He made a written report of the situation and kept it updated. He kept the team members, the supervisor, and the employee apprised of what the others were doing to resolve the situation. He also looked into the feasibility of relocating the employee to another worksite.
2. The **Security** officer immediately reported the situation to the local police. With the employee's consent, she also called the police where the employee lived to learn what steps they could take to help the employee. She offered to coordinate and exchange information with them. The security officer arranged for increased surveillance of the building and circulated photos of the stalker to all building guards with instructions to detain him if he showed up at the building. She brought a tape recorder to the employee's desk and showed her the best way to tape any future voice mail messages from the stalker. She also contacted the agency's phone company to arrange for its involvement in the case.
3. The **Employee Assistance Program** counselor provided support and counseling for both the employee and the supervisor throughout the time this was going on. He suggested local organizations that could help the employee. He also tried to convince her to tell coworkers about the situation.
4. The **Union** arranged to sponsor a session on stalking in order to raise the consciousness of agency employees about the problem in general.

After a week, when the employee finally agreed to tell coworkers what was going on, the EAP counselor and security officer jointly held a meeting with the whole work group to discuss any fears or concerns they had and give advice on how they could help with the situation.

Resolution

In this case, the employee's coworkers were supportive and wanted to help out. They volunteered to watch out for the stalker and to follow other security measures recommended by the security specialist. The stalker ended up in jail because he tried to break into the employee's home while armed with a gun. The security officer believes that the local police were able to be more responsive in this situation because they had been working together with agency security on the case.

Case Study 4 – Stalking (continued)

Questions for the Agency Planning Group

1. Do you agree with the agency's approach in this case?
2. What would you do in a similar situation if your agency doesn't have security guards?
3. What would you do if coworkers were too afraid of the stalker to work in the same office with the employee?
4. What would you do if/when the stalker gets out of jail on bail or out on probation?
5. Would your Office of Inspector General have gotten involved in this case, e.g., coordinated agency efforts with local law enforcement agencies?

Case Study 5 – A Domestic Violence Situation

The Incident

A team member, the employee relations specialist, receives a phone call from an employee. She reports that she has just finished a long conversation with a friend and coworker, a part-time employee, who revealed to her that she is a victim of domestic violence. To her surprise, she learned that the woman's husband has been abusing her since their first child was born. He is careful to injure her only in ways that do not leave visible signs, and she feels sure no one would ever believe her word against his. The family's assets, even "her" car, are all in his name, and her part-time salary would not be enough for herself and the children to live on. Further, he has threatened to kill her if she ever leaves him or reveals the truth. After talking with the employee, the coworker agreed to let the situation be reported to the workplace violence team.

Response

The **Employee Relations** specialist agreed to meet with both employees immediately. The abused woman asked to have her friend along and, at the employee relations specialist's suggestion, gave her permission to explain the situation to the two employees' supervisor. After interviewing her in a caring, supportive way to get basic information, she asked other team members, the security director and the Employee Assistance Program (EAP) counselor, to join her in analyzing the situation. Then she met with the abused employee, her friend (at her request), and her supervisor to report on the team's recommendations.

The **Employee Assistance Program** counselor arranged for the abused woman to see another counselor, who had an open appointment that same day, for counseling and referral to the community agencies that could help her.

The counselor referred her to a comprehensive shelter for victims of abuse. She explained the comprehensive services the shelter could offer her: a safe place to stay with her children, advice on how to get out of her home situation safely, legal advice, and much other helpful information. At first, the employee was afraid to change the status quo. After several meetings with the Employee Assistance Program counselor and encouraging talks

Case Study 5 – A Domestic Violence Situation (continued)

with her friend, she agreed to talk with the shelter staff. Her friend drove her to the meeting. They worked with her to develop a safe plan for leaving home with her children.

The employee asked the workplace violence team to coordinate with the shelter staff. After discussing her plan with them, the **Security** director identified that right after she left home would be a high risk period and arranged for a guard to be at the workplace during that time. He supplied photographs of the husband to the guard force.

With the woman's consent, the supervisor and security director discussed the situation with coworkers, shared the picture with them, and explained what they should do in various contingencies. At the meeting one coworker began complaining about danger to herself. The friend argued persuasively that, *This could happen to any of us. Would you rather we stick together, or leave one another to suffer alone?* This rallied the group, and the coworker decided to go along with the others.

The **Supervisor** agreed to use flexitime and flexiplace options to make the employee more difficult to find. Not only would she be working a different schedule; she would report to a suburban telecommuting center instead of the agency's central office.

The supervisor explained to the employee that she would like very much to have her on board full time, as she was an excellent worker, but that there was no position available. However, she encouraged her to seek a full time job, and made phone calls to colleagues in other departments to develop job leads for her. One of her professional associates offered to allow the employee to use their organization's career transition center, which had excellent job search resources, and was located in a different part of town from her normal worksite.

Resolution

The employee executed her plan for leaving home and moved to the shelter with her children. She worked with an attorney to obtain financial support and to begin divorce proceedings. She often had times of doubt and fear but found the shelter staff very supportive. Her coworkers encouraged her to call daily with reports on her progress.

Case Study 5 – A Domestic Violence Situation (continued)

The husband appeared at the office only once, a few days after his wife moved into the shelter. He shouted threats at the security guard, who calmly called for backup from the local police. Fearing for his reputation, he fled the scene before police could arrive. The guard force continued to monitor any efforts by the husband to gain entry to the building.

Six months later, the employee has obtained a full-time position at a nearby office within the same agency. She discovered that they also had a workplace violence team and made them aware of her situation, just in case she should need their help. She and her children have moved into an apartment. The children are seeing a child psychologist, recommended by the Employee Assistance Program counselor, to help them make sense of an upsetting situation, and she attends a support group for battered women. Her friend from her former office has helped her with encouragement, support, and suggestions on how to handle the stresses of single parenthood.

Questions for the Agency Planning Group

1. Are your team members knowledgeable about domestic violence?
2. What do you think about the role of the friend? How would you encourage agency employees to support coworkers in these types of situations?
3. Does your agency have access to career transition services to help in these types of situations?
4. Has your planning group identified someone knowledgeable about restraining/protective orders to discuss with the employee the pros and cons of obtaining one?

Case Study 6 – A Threat

The Incident

*At a smoking break with one of his colleagues from down the hall, an employee was reported to have said, **I like the way some employees handle problems with their supervisors — they eliminate them. One of these days I’m going to bring in my gun and take care of my problem.** The employee who heard the statement reported it to his supervisor, who in turn reported it to his supervisor, who called a member of the workplace violence team.*

Response

In the case of a reported threat where there does not appear to be an imminent danger, the agency’s plan called for the employee relations specialist to conduct an immediate preliminary investigation and for the team to meet with the supervisor immediately afterward to look at the available evidence and strategize a preliminary response.

That afternoon, the **Employee Relations** specialist interviewed the employee who heard the threat, that employee’s supervisor, the supervisor of the employee who made the threat, and subsequently the employee who allegedly made the threat. The employee who made the threat denied saying any such thing. There were no witnesses.

The supervisor of the employee who allegedly made the threat reported that, several months earlier, the same employee had responded to his casual question about weekend plans by saying, *I’m going to spend the weekend in my basement with my guns practicing my revenge.* At that time, the supervisor had warned the employee that such talk was unacceptable at work and referred the employee to the Employee Assistance Program (EAP). Both supervisors expressed concern for their staff’s safety. Based on comments from supervisors and the employee who made the threat, the employee relations specialist recommended that a more thorough investigation be done.

At the meeting where the employee relations specialist’s findings were discussed, the following people were present: the first- and second-level supervisor of the employee who allegedly made the threat, an Associate Director of the agency, the agency security

Case Study 6 – A Threat (continued)

officer, the employee relations specialist, the EAP counselor, and an attorney with the General Counsel's Office.

One of the team members recommended that the employee be given a counseling memo and referred to the Employee Assistance Program. The consensus of the others, however, based on the employee relations specialist's oral report, was to recommend to the supervisor that the employee be placed on excused absence pending an investigation and that he be escorted from the premises.

The **Security Officer** and the employee's second-level **Supervisor** went together to give the alleged threatener a letter that stated, *This is to inform you that effective immediately you will be in a paid, non-duty status, pending an agency determination regarding your actions on June 10. You are required to provide a phone number where you can be reached during working hours.* They also took away his identification badge and office keys, and escorted him to the building exit.

The team consulted with the agency's Office of Inspector General which arranged for a criminal investigation to be conducted. The **Criminal Investigator** interviewed all of the employee's coworkers and two other employees who the coworkers indicated had knowledge of this employee's prior statements against his supervisors. He then interviewed the alleged threatener.

The criminal investigator checked to see if the employee had a police record. He did not. The investigator also checked his workplace to see if he had any weapons at the office or if he had any written material of a threatening nature. The search of his workplace found nothing of consequence.

The investigative report showed that the employee told his coworkers on several occasions that he had no respect for his supervisor and that he thought that threatening him was an effective way to solve his problems with him. Signed statements indicated that he bragged about knowing how to get his way with his boss.

The prosecutor's office, after receiving the investigative report, made a determination that it would not prosecute the case and informed management that they could proceed with administrative action. The team recommended a proposed removal action since

Case Study 6 – A Threat (continued)

Resolution

the evidence showed that the employee was using threats to intimidate his supervisor.

The second-level supervisor proposed a removal action based on a charge of “threatening a supervisor.” A top manager who had not been directly involved in the case initially insisted that the agency enter into a settlement agreement that would, among other things, give the employee a clean Standard Form (SF) 50. However, based on the particular facts in this case, the team convinced him that he was not solving any problems by settling the case in this way and was, in fact, just transferring the problem to another unsuspecting employer. The top manager finally agreed and the employee was removed from Federal service.

Even though the agency did not settle the case, and did, in fact, effect a removal action, the employee was soon hired by another agency anyway. The new agency never checked his references and is now experiencing the same type of intimidating behavior from the employee.

Questions for the Agency Planning Group

1. What would your agency have done about checking references before hiring this employee?
2. What do you think would have been the risks of settling the case with a clean SF 50?
3. How would your agency have handled the case if the key witness (i.e., the employee who heard the threat) had demonstrated certain behavior that cast doubt on his credibility?

Case Study 7 – Veiled Threats

The Incident

*A team member took a phone call from a supervisor who said, **One of my employees said this morning that he knows where my kids go to school. I know that doesn't sound like much to you, but if you saw the look in his eyes and heard the anger in his voice, you'd know why I need your help in figuring out what to do.***

Response

The team member who took the call heard more details about the incident and then set up a meeting with the supervisor who made the report, a security specialist, an employee relations specialist, and an Employee Assistance Program (EAP) counselor.

At the meeting, the **Supervisor** who made the report told the team that the employee who said that he knows where his kids go to school has been engaging in intimidating behavior against him for the past year since he became his supervisor. The supervisor had spoken with him on several occasions to let him know that his behavior was unacceptable. He also had given him a written warning along with a written referral to the EAP.

Because the office was in a General Services Administration controlled building, the **Security** specialist then called the regional office of the Federal Protective Service (FPS). The FPS contacted the threat assessment unit of the state police, who agreed to assign a threat assessment consultant to assist the agency. In a phone consultation with the team, the **Threat Assessment Consultant** suggested that the team arrange for an immediate investigation by an investigator who was experienced in workplace violence cases. The investigator should explore the following areas:

1. What further background information can be learned about the relationship between the supervisor and alleged threatener?
2. What is the relationship between the supervisor and his other employees and coworkers?
3. Have there been problems of a similar nature with the alleged threatener's previous supervisors? If so, how were they resolved

Case Study 7 – Veiled Threats (continued)

or handled? If there were problems with previous supervisors, were they similar to or different from the current situation?

4. What are the alleged threatener's relationships with coworkers? Might there be other potential victims? Are there also interpersonal problems between the alleged threatener and other employees?
5. Are there unusually stressful problems in the life of the alleged threatener, e.g., divorce, financial reversal, or any other recent significant traumatic event?
6. Does anyone else feel threatened based on their interaction with the alleged threatener?
7. Does the alleged threatener have access to weapons? Has he recently acquired weapons?

The threat assessment consultant scheduled another telephone consultation with the team for three days later. He also suggested that the investigator not interview the alleged perpetrator until after the next phone consultation.

The investigation was conducted immediately by a **Professional Investigator** and the team reviewed the investigative report prior to the next phone conversation with the threat assessment consultant. The report contained statements by the employee's supervisor about veiled threats the employee had made, such as *If you give me that assignment, you'll be sorry, I know where you live, and I see you every day on your way to work.* (The employee lives at the opposite end of town from the supervisor.)

Also in the investigative report was a transcript (and a tape recording) of two voice mail messages that the supervisor found intimidating—one in which the employee said he needed annual leave that day to go for target practice and another one in which he said he couldn't come to work that day because he had to go hunting. Again, the supervisor's statement showed that he considered the employee's tone of voice to be intimidating and said that, on the day previous to each of these phone calls, the employee had acted as though he was angry about new assignments the supervisor had given him. The supervisor said he has taken several precautions as a result of the threats.

Case Study 7 – Veiled Threats (continued)

For example, he told his children to take precautions, installed dead bolt locks at his home, and asked the local police to do a security survey of his home. In addition to the investigative report, the security office obtained a police record showing a misdemeanor conviction for spousal abuse several years earlier.

Participating in the phone consultation with the threat assessment consultant was the workplace violence team, the second-line supervisor, and the director of the office. The purpose of the consultation was to:

- ◆ Analyze the information contained in the investigative report,
- ◆ Determine what additional information was needed,
- ◆ Determine whether to interview the alleged perpetrator,
- ◆ Help the team members organize their thinking about how to proceed with the case, and
- ◆ Discuss a range of options that could be taken.

The threat assessment consultant recommended that the investigator interview three coworkers, the employee's ex-wife, and subsequently the alleged threatener. The purpose of the interview with the alleged threatener would be to corroborate what was said by the others and get his explanation of why he made the statements. The interview would also communicate to him that this kind of conduct has been noticed, troubles people, and is not condoned. He advised that security measures, including having a security officer in the next room, be taken when the alleged threatener was interviewed. The threat assessment consultant also gave the team guidance in the preservation of evidence, such as written material and tape recordings, and in the documentation of all contacts.

During the interview, the alleged threatener made what the investigator believed were several additional veiled threats against the supervisor. He even behaved in a way that led the investigator to be concerned about his own safety.

Based on the findings of the investigation, the threat assessment consultant concluded that the employee presented behaviors that

Case Study 7 – Veiled Threats (continued)

showed that a real possibility existed that the employee, if pushed, might carry out some of his threats toward the supervisor and his family. He expressed concern that, if the employee continued to work in the same office, the situation could escalate. Management decided to place the employee on excused absence for the safety of the threatened supervisor.

The threat assessment consultant worked with team members to develop a plan for ongoing security. For example, he suggested the team identify one member to coordinate case management, recommended monitoring any further communication between the employee and other agency employees (e.g., any phone calls, any email messages, and any showing up at residences were to be reported to the case manager). He recommended that security officials be in the area, though not visible, whenever meetings were held with the employee. The threat assessment consultant remained available for telephone consultation as the team carried out the plan.

Resolution

Though the agency had concerns that any agency action might trigger an action against the supervisor's family, the agency went ahead and removed the employee based on a charge of threatening behavior. The agency's analysis considered the credibility of the supervisor and employee, and the information and evidence gathered. The employee did not appeal the removal action.

The agency security officer gave the supervisor advice on personal safety and discussed with him the pros and cons of obtaining a restraining order for his family. The security officer also helped the supervisor get in touch with the local office of victim assistance for additional ideas on ways to protect his family. The threat assessment consultant also spoke with the supervisor and suggested that he may want to go to the school, school bus driver, and neighbors and make them aware of the problem and the alleged threatener's appearance (show them his picture). The reason for involving the school and neighbors would be to encourage them to report any suspicious activities to the police. He also talked to the supervisor about police involvement and discussed filing criminal charges. If the police said the situation was not serious enough to file criminal charges, he suggested finding out from the police what was serious enough to warrant an arrest. For example, he could explore with police

Case Study 7 – Veiled Threats (continued)

Questions for the Agency Planning Group

what would constitute a pattern of behavior that might be considered serious enough to pursue action under the state's stalking or harassment statute.

1. If this incident were reported at your agency, would you have used a criminal investigator or administrative investigator to conduct the initial investigation?
2. If your agency has a criminal investigative service, have you discussed the feasibility of involving agency criminal investigators at an early stage in the process of dealing with threatening behavior, i.e., in situations where threatening behavior does not yet rise to the level of a crime?
3. Has your agency identified a threat assessment professional to whom you could turn for assistance if the need arose?
4. How does your agency keep up with Merit Systems Protection Board case law on charges and threats?
5. If this happened at your agency, and the threatening behavior continued, what would you do to protect the supervisor and his family?

Case Study 8 – A Threat

The Incident

*A visibly upset male employee cornered a female employee in her office, and said quietly and slowly that she **will pay with her life** for going over his head to ask about his work. The male employee then stared at his coworker with his hands clenched rigidly at his side before leaving the office and slamming the door behind him. The female employee, fearful and shaken, reported this to her supervisor, who immediately reported the incident to the director of Employee Relations.*

Response

The agency's response plan calls for involvement of Employee Relations, Security and the Employee Assistance Program (EAP) in cases involving threats. Immediately following the report to the response team, the **Security Officer** contacted the female employee to assist her in filing a police report on the threat and to discuss safety measures that she should be taking. The victim was also referred to the **EAP**, where she received brief counseling and educational materials on handling severe stress.

An investigation was immediately conducted by an investigator from **the Office of Inspector General**. In her statement, the female employee repeated what she had reported to the supervisor earlier about the threat. In his statement, the male employee stated that, on the day in question, he had been upset about what he felt were some underhanded activities by the female employee and his only recollection about the conversation was that he made a general statement like *You'll pay* to her. He stated that this was not a threat, just an expression. The investigation showed that the employee had several previous incidents of intimidating behavior which had resulted in disciplinary actions.

Resolution

After reviewing the results of the investigation, the supervisor proposed a removal action, finding that the female employee's version of the incident was more credible. In his response to the proposed notice, the employee brought in medical documentation that said he had a psychiatric disability of Post Traumatic Stress Disorder, which caused his misconduct, and he requested a reasonable accommodation. The deciding official consulted with

Case Study 8 – A Threat (continued)

an agency attorney and employee relations specialist who explained that nothing in the Rehabilitation Act prohibits an agency from maintaining a workplace free of violence threats of violence. Further, they explained that a request for reasonable accommodation does not excuse employee misconduct nor does it shield an employee from discipline. The deciding official determined that removal was the appropriate discipline in this case. The employee did not appeal the action.

Questions for the Agency Planning Group

1. Do you agree with the agency's approach in this case?
2. If this situation occurred at your agency, would you have involved law enforcement early in the process?
3. Who would conduct the investigation at your agency?
4. What else would your agency have done to protect the employee?
5. Would you have requested more medical documentation from the employee?
6. What risks must be balanced when selecting a penalty?

Case Study 9 – A Threat Made During an EAP Counseling Session

The Incident

When the employee first contacted the in-house Employee Assistance Program (EAP) counselor several months earlier, he said that he had been referred by his supervisor because of frequent tardiness and his inability to complete his assignments on time. He complained of listlessness, lack of interest in his job, and inability to sleep. The counselor referred the employee to a psychiatrist for evaluation. The employee agreed to sign releases so the counselor could contact both his supervisor and the psychiatrist. The psychiatrist diagnosed depression, prescribed an anti-depressant, and referred the employee for psychotherapy.

Several weeks later, the supervisor called the EAP counselor to report that the employee often came in looking disheveled, coworkers complained that his speech and manner were sometimes bizarre, and he bragged of drinking large amounts of alcohol each evening. The counselor immediately called the employee and asked him to come in for a follow-up visit. He agreed and appeared late that afternoon in a euphoric state. He said that he had never felt better in his life and had decided against psychotherapy. The counselor encouraged him to return to the psychiatrist for re-evaluation but he refused.

The employee was in a talkative mood and began to reminisce about his Federal career — first his early successes, then recent disappointments, such as being passed over repeatedly for promotions and failure to receive any type of recognition. As he continued, he revealed in a matter-of-fact tone that he had been spending his evenings planning revenge on his managers because they had treated him unfairly for many years and they deserved to be punished. He believed he had planned the “perfect murder” and that he would never be caught. Thinking at first that he was just venting his frustration, the counselor questioned him further and quickly realized that he was very serious. She urged him to call his psychiatrist immediately and he again refused but said he would “think about calling” in a day or two.

Case Study 9 – A Threat Made During an EAP Counseling Session (continued)

Response

As soon as the employee left her office, the EAP counselor called the psychiatrist and asked whether he viewed the employee's statement as a threat. The psychiatrist said he believed it was a serious threat and recommended that she take immediate action. The EAP counselor called the police and agency officials and informed them about the situation. The following morning when the employee reported to the office, he was met by the local police. A police officer brought him to the community's emergency services clinic for an evaluation and subsequently transported him to the hospital. He remained in the hospital for several weeks.

Resolution

Following discharge, the employee remained at home for several more weeks, during which time agency management held many discussions with his treating and consulting physicians. It was finally decided that the employee would be allowed to return to work, and not removed from his position, on the condition that, as long as he remained an employee of the agency, he would continue in psychotherapy, remain on medication as prescribed, refrain from alcohol and other drug abuse, and be seen on a regular basis by a psychiatric consultant to the agency. The employee agreed to the plan, often known as a last chance agreement.

Although coworkers had been concerned about the employee's strange behavior and had seen him removed from the premises by the police, several had visited him in the hospital and were supportive of his return to the office. He worked his remaining years with no further problems, then retired and moved to another state.

Questions for the Agency Planning Group

1. Do you agree with the agency's approach in handling this case?
2. Would you have let the employee back to work after his hospitalization? What information would you need to make this determination?
3. What safety precautions would your agency take if you did/did not take him back?
4. What should the EAP counselor have done if he denied making the threat?
5. Would your agency have proposed disciplinary action prior to the last chance agreement?

Case Study 10 – Threats Made by an Ex-Employee

The Incident

*The first incident report that came in to the agency's newly formed workplace violence team was from a field office. Two months after an employee retired on disability retirement, he began threatening his ex-supervisor. He knocked on his ex-supervisor's apartment door late one evening. He left threatening statements on the supervisor's home answering machine, such as **I just wanted to let you know I bought a gun.** On one occasion, a psychiatrist called the supervisor and the agency's security office and told them that the ex-employee threatened to murder his ex-supervisor. The psychiatrist said the threat should be taken seriously especially because he was drinking heavily. A coworker received an anonymous letter stating, **It is not over with [name of supervisor].** Each time a threat was reported, the agency's security office would take extra measures to protect the supervisor while at the workplace and the supervisor would report the incident to the local police. Each time, the supervisor was informed that the police were unable to take action on the threats because they did not rise to a criminal level. The supervisor spoke with the county magistrate about a restraining order, but again was told the threats did not rise to the level required to obtain a restraining order.*

Response

The workplace violence team held a conference call with the threatened supervisor, the director of the office, and the security chief of the field office. They suggested the following actions.

Recommendations for the **Security Officer**:

- ◆ Confirm the whereabouts of the ex-employee and periodically reconfirm his whereabouts.
- ◆ Meet with local police to determine whether the ex-employee's behavior constitutes a crime in the jurisdiction and whether other applicable charges (such as stalking or harassment) might be considered. Ask if the police department has a threat assessment unit or access to one at the state level. Ask police about contacting the U.S. Postal Service for assistance in tracing the anonymous letter (18 USC 876).

Case Study 10 – Threats Made by an Ex-Employee (continued)

- ◆ Meet with the psychiatrist who called the agency and ask him to send a letter to the chief of police reporting the threats. Also, inform the psychiatrist about the ex-employee's behavior and discuss whether or not involuntary hospitalization might be an option. Attempt to establish an ongoing dialogue with the psychiatrist and try to get a commitment from him to share information about the case to the extent allowed by confidentiality.
- ◆ Provide periodic updates to the threatened supervisor on the status of the case, actions taken, and actions being contemplated.
- ◆ Provide support and advice to the threatened supervisor, including telephone numbers and points of contact for local telephone company, local law enforcement, and local victim assistance organizations.

Recommendations for the **Director of the Field Office**:

- ◆ Meet with security and police to consider options (and their ramifications) for encouraging the ex-employee to cease and desist his threatening activities.
- ◆ Provide support to the supervisor by encouraging the supervisor to utilize the Employee Assistance Program.

Recommendations for the threatened **Supervisor**:

- ◆ Keep detailed notes about each contact with the ex-employee. Give copies of all the notes to the police. (They explained to the supervisor that in all probability, each time he went to the police, it was treated like a new report, and thus, as individual incidents, they did not rise to the level of a crime.)
- ◆ Contact the phone company to alert them to the situation.
- ◆ Tape record all messages left on the answering machine.
- ◆ Contact the local office of victim assistance for additional ideas.

Resolution

Contact with the local police confirmed that each report had been taken as a new case. When presented with the cumulative evidence, in fact, the ex-employee's behavior did rise to the level of stalking under state law. The police visited the ex-employee

Case Study 10 – Threats Made by an Ex-Employee (continued)

Questions for the Agency Planning Group

and warned him that further threats could result in an arrest. At the threatened supervisor's request, the county magistrate issued a restraining order prohibiting personal contact and any (continued) communication. Two months after the restraining order was issued, the ex-employee was arrested for breaking the restraining order. The agency security office and the supervisor kept in contact with the police about the case to reduce any further risk of violence.

1. Do you think the agency's approach in this case was adequate to protect the supervisor?
2. Have you already established liaison with appropriate law enforcement authorities to ensure that situations such as this get the proper attention from the beginning?
3. What would your agency do if the psychiatrist refused to get involved? Are there any laws in your state requiring mental health professionals to protect potential victims when threats have been made?
4. How would you continue to monitor the ex-employee's activities after he is released from jail?
5. What would your agency do if the case continued without the ex-employee being arrested?

Case Study 11 – Threats from Non-Employees

The Incident

*The agency's new workplace violence team receives a call from a small field office. The office staff consists of three employees, two of whom spend much of their workday outside of the office. All three employees have had close calls in the past in dealing with violent individuals. On two occasions, clients who came into the office lost their tempers because they received answers they did not like. Several times the employees who conducted their business outside the office were the targets of threats and aggressive behavior. **How can you help us out here in the field?** they asked the workplace violence team.*

Response

Presented with this problem, the workplace violence team consulted with the following organizations:

- ◆ The local law enforcement agency in the jurisdiction where the field office was located;
- ◆ Several Federal law enforcement agencies, including the Federal Protective Service;
- ◆ Other Federal Government agencies that had small field offices and/or employees who spent most of their workday outside the office;
- ◆ The National Victims' Center;
- ◆ Prevention units of State Police in several states where the agency had field offices.

Resolution

The agency implemented the following plan not only for the office that made the initial request, but for many of their other field offices as well.

- ◆ Install a panic button in the office that is connected to a security service.
- ◆ Install a video camera (with an audio component) in the public service area to record any incident that occurs in the office.

Case Study 11 – Threats from Non-Employees (continued)

- ◆ Reconfigure office furniture, especially in public service areas, to maximize security (e.g., rearrange the office furniture and dividers to give the appearance that the employee is not alone).
- ◆ Train all employees in personal safety techniques.
- ◆ Provide back-up for employees in the field when a threatening situation is suspected.
- ◆ Provide employees with copies of the laws regarding harassment, threats, and stalking in their states.
- ◆ Provide employees with lists of state and local organizations that can assist them in preventing violence and in dealing with potentially violent situations.
- ◆ Arrange for regional and field offices to develop and maintain liaison with state and local law enforcement agencies.
- ◆ Establish a system for employees in the field to check in periodically throughout the day, e.g., an employee would call and say, *I'm entering the Jones residence, and I will call you back in 30 minutes.*
- ◆ Provide cellular phones, personal alarms, and other safety devices, as appropriate, to employees in the field.

Questions for the Agency Planning Group

1. Do you agree with the agency's approach in this case?
2. What more could be done?

Case Study 12 – Intimidation

The Incident

A supervisor reported to a Human Resources (HR) specialist that he recently heard from one of his employees (alleged victim) that another one of his employees (alleged perpetrator) has been intimidating him with his “in your face” behavior. The alleged perpetrator has stood over the alleged victim’s desk in what he perceived as a menacing way, physically crowded him out in an elevator, and made menacing gestures. The supervisor stated that the alleged perpetrator was an average performer, somewhat of a loner, but there were no behavior problems that he was aware of until the employee came to him expressing his fear. He said that the employee who reported the situation said he did not want the supervisor to say anything to anyone, so the supervisor tried to observe the situation for a couple of days. When he didn’t observe any of the behavior described, he spoke with the alleged victim again and told him he would consult with the Crisis Management Team.

Response

In cases involving reports of intimidation, this agency’s crisis response plan called for involvement of Human Resources (HR) and the Employee Assistance Program (EAP) (with the clear understanding that they would contact other resources as needed). The first thing the HR specialist did was to set up a meeting for the next day with the supervisor, an EAP counselor, and another HR specialist who was skilled in conflict resolution.

At that meeting, several options were discussed. One was to initiate an immediate investigation into the allegations, which would involve interviewing the alleged victim, any witnesses identified by the alleged victim, and the alleged perpetrator. Another suggestion offered by the EAP counselor was that, in view of the alleged victim’s reluctance to speak up about it, they could arrange a training session for the entire office on conflict resolution (at which time the EAP counselor could observe the dynamics of the entire work group). The EAP counselor noted that conflict resolution classes were regularly scheduled at the agency. The supervisor also admitted that he was aware of a lot of tensions in the office and would like the EAP’s assistance in resolving whatever was causing them.

Case Study 12 – Intimidation (continued)

After discussing the options, the supervisor and the team decided to try the conflict resolution training session before initiating an investigation.

At the training session, during some of the exercises, it became clear that the alleged victim contributed significantly to the tension between the two employees. The alleged victim, in fact, seemed to contribute significantly to conflicts not only with the alleged perpetrator, but with his coworkers as well. The alleged perpetrator seemed to react assertively, but not inappropriately, to the alleged victim's attempts to annoy him.

Resolution

Office tensions were reduced to minimum as a result of the training session and follow-up work by the Employee Assistance Program. The employee who initially reported the intimidation to his supervisor not only realized what he was doing to contribute to office tensions, but he also actively sought help to change his approach and began to conduct himself more effectively with his coworkers. He appreciated getting the situation resolved in a low-key way that did not cause him embarrassment and began to work cooperatively with the alleged perpetrator. The alleged perpetrator never learned about the original complaint, but he did learn from the training session more effective ways to conduct himself with his coworkers. This incident took place over a year ago, and the agency reports that both are productive team players.

Questions for the Agency Planning Group

1. Do you agree with the agency's approach in this situation?
2. Can you think of other situations that could be addressed effectively through an intervention with the work group?
3. In what kinds of situations would this approach be counter-productive?
4. Can you envision a scenario where using the group conflict resolution session to get at any individualized problem might have a negative, rather than a positive, effect?
5. Has your agency conducted employee training on such topics as conflict resolution, stress management, and dealing with hostile persons?

Case Study 13 – Intimidation

The Incident

*An employee called a member of the agency crisis team for advice, saying that a coworker was picking on her, and expressing fear that something serious might happen. For several weeks, she said, a coworker has been making statements such as, **You actually took credit for my work and you're spreading rumors that I'm no good. If you ever get credit for my work again, that will be the last time you take credit for anybody's work. I'll make sure of that.** She also said that her computer files have been altered on several occasions and she suspects it's the same coworker. When she reported the situation to her supervisor, he tried to convince her that there was no real danger and that she's blowing things out of proportion. However, she continued to worry. She said she spoke with her union representative who suggested she contact the agency's workplace violence team.*

Response

The agency's plan called for the initial involvement of employee relations and the Employee Assistance Program (EAP) in situations involving intimidation. The **Employee Relations** specialist and the **EAP** counselor met with the **Supervisor** of the employee who reported the incident. He told them he was aware of the situation, but that the woman who reported it tended to exaggerate. He knew the alleged perpetrator well, had supervised him for years, and said, *He just talks that way; he's not really dangerous.* He gave examples of how the alleged perpetrator is all talk and not likely to act out. One example had occurred several months earlier when he had talked to the alleged perpetrator about his poor performance. The employee had become agitated and accused the supervisor of being unfair, siding with the other employees, and believing the rumors the coworkers were spreading about him. He stood up and in an angry voice said, *You better start treating me fairly or you're going to be the one with the problem.* The supervisor reasoned that, since he's always been this way, he's not a real threat to anyone.

During the initial meeting, the team asked the supervisor to sign a written statement about these incidents, and recommended that he take disciplinary action. However, he was reluctant to sign a

Case Study 13 – Intimidation (continued)

statement or to initiate disciplinary action, and could not be persuaded by their recommendations to do so.

The employee relations specialist conducted an investigation. Interviews with other coworkers confirmed the intimidating behavior on the part of the alleged perpetrator and several coworkers said they felt threatened by him. None were willing to sign affidavits. The investigator also found a witness to the incident where the supervisor had been threatened. As the alleged perpetrator had left the supervisor's office and passed by the secretary's desk, he had said, *He's an (expletive) and he better watch himself*. However, the secretary was also unwilling to sign an affidavit.

After confirming the validity of the allegations, but with the supervisor refusing to take action, and the only affidavit being from the employee who originally reported the situation, the team considered three courses of action:

- (1) Arrange for the reassignment of the victim to a work situation that eliminated the current threatening situation;
- (2) Report the situation to the second line supervisor and recommend that she propose disciplinary action against the alleged perpetrator; and
- (3) Locate an investigator with experience in workplace violence cases to conduct interviews with the reluctant witnesses. The investigator would be given a letter of authorization from the director of the office stating the requirement that employees must cooperate in the investigation or face disciplinary action.

The team located an **Investigator**, who was experienced in workplace violence cases, from a nearby Federal agency and worked out an interagency agreement to obtain his services. During the investigation, he showed the letter of authorization to only one employee and to the supervisor, since he was able to persuade the others to sign written affidavits without resorting to showing them the letter. The results of the investigation showed evidence of intimidating behavior by the alleged perpetrator.

The agency **Security** specialist met with the alleged perpetrator to inform him that he was to have no further contact with the victim.

Case Study 13 – Intimidation (continued)

He also met with the victim to give her advice on how to handle a situation like this if it were to happen again. In addition, he recommended a procedure to the team that would monitor computer use in the division.

This action resulted in evidence showing that the employee was, in fact, altering computer files.

Resolution

The first-line supervisor was given a written reprimand by the second-line supervisor for failing to take proper action in a timely manner and for failing to ensure a safe work environment. He was counseled about the poor performance of his supervisory duties. The alleged perpetrator was charged with both disruptive behavior and gaining malicious access to a non-authorized computer. Based on this information, he was removed from Federal Service.

Questions for the Agency Planning Group

1. Would supervisory training likely have resulted in quicker action against the alleged perpetrator?
2. Do you have other approaches for convincing a recalcitrant supervisor to take action?
3. Do you have other approaches for convincing reluctant witnesses to give written statements?
4. Are you up-to-date on the case law associated with requiring the subject of an investigation to give statements?
5. If you had not been able to convince the reluctant witnesses to give written statements, and you only had the one affidavit to support the one incident, do you think this would have provided your agency with enough evidence to take disciplinary action? If so, what type of penalty would likely be given in this case?

Case Study 14 – Frightening Behavior

The Incident

A supervisor contacts the Employee Relations Office because one of his employees is making the other employees in the office uncomfortable. He said the employee does not seem to have engaged in any actionable misconduct but, because of the agency's new workplace violence policy, and the workplace violence training he had just received, he thought he should at least mention what was going on. The employee was recently divorced and had been going through a difficult time for over two years and had made it clear that he was having financial problems which were causing him to be stressed out. He was irritable and aggressive in his speech much of the time. He would routinely talk about the number of guns he owned, not in the same sentence, but in the same general conversation in which he would mention that someone else was causing all of his problems.

Response

At the first meeting with the supervisor, the **Employee Relations** specialist and **Employee Assistance Program (EAP)** counselor suggested that, since this was a long-running situation rather than an immediate crisis, the supervisor would have time to do some fact-finding. They gave him several suggestions on how to do this while safeguarding the privacy of the employee (for example, request a confidential conversation with previous supervisors, go back to coworkers who registered complaints for more information, and, if he was not already familiar with his personnel records, pull his file to see if there are any previous adverse actions in it). Two days later they had another meeting to discuss the case and strategize a plan of action.

The **Supervisor's** initial fact-finding showed that the employee's coworkers attributed his aggressive behavior to the difficult divorce situation he had been going through, but they were nevertheless afraid of him. The supervisor did not learn any more specifics about why they were afraid, except that he was short-tempered, ill-mannered, and spoke a lot about his guns (although, according to the coworkers, in a matter-of-fact rather than in an intimidating manner).

Case Study 14 – Frightening Behavior (continued)

After getting ideas from the employee relations specialist and the EAP counselor, the supervisor sat down with the employee and discussed his behavior. He told the employee it was making everyone uncomfortable and that it must stop. He referred the employee to the EAP, setting a time and date to meet with the counselor.

Resolution

As a result of counseling by the supervisor and by the Employee Assistance Program counselor, the employee changed his behavior. He was unaware that his behavior was scaring people. He learned new ways from the EAP to deal with people. He accepted the EAP referral to a therapist in the community to address underlying personal problems. Continued monitoring by the supervisor showed the employee's conduct improving to an acceptable level and remaining that way.

Questions for the Agency Planning Group

1. Do you agree with the agency's approach in this case?
2. Can you think of other situations that would lend themselves to this kind of low-key approach?
3. Does your agency have effective EAP training so that supervisors are comfortable in turning to the EAP for advice?

Case Study 15 – Frightening Behavior

The Incident

*Several employees in an office went to their supervisor to report an unusual situation which had occurred the previous day. An agency employee from a different building had been in and out of their office over a seven-hour period, remarking to several people that “the Government” had kept her prisoner, inserted microphones in her head to hear what she was thinking, and tampered with her computer to feed her evil thoughts. She also said that her doctors diagnosed her as paranoid schizophrenic, but that they are wrong about her. She made inflammatory remarks about coworkers, and made threatening statements such as, **Anybody in my old job who got in my way came down with mysterious illnesses.***

Response

The **Employee Relations** specialist, who took the report, immediately informed the employee’s supervisor about the incident. She learned from the employee’s supervisor that until a few months ago, the employee performed adequately, but had always seemed withdrawn and eccentric. However, her behavior had changed (it was later learned that she had stopped taking her medication) and she often roamed around the office, spending an hour or more with any employee she could corner. Several employees had reported to the supervisor that they were afraid she might hurt them because of her inflammatory statements. She also learned that a former supervisor had previously given the employee a reprimand and two counseling memoranda for inappropriate language and absence from the worksite along with offering her leave for treatment as a reasonable accommodation.

Upon the recommendation of the employee relations specialist, the employee was placed on excused absence pending further agency inquiry and response, with a requirement to call in daily. The employee relations specialist, who was a trained investigator, conducted interviews with the employees who filed the reports and with the employee’s coworkers. She found that most of the employees were afraid of the woman because of her inflammatory statements.

Case Study 15 – Frightening Behavior (continued)

The employee relations specialist then set up a meeting with the woman's first- and second-line supervisor, the director of personnel, the legal office, the director of security, the agency's medical officer, and the Employee Assistance Program (EAP) counselor. The following options were raised:

- ◆ Propose an indefinite suspension pending an investigation (option rejected because the agency already had all the information it needed about the incident).
- ◆ Reassign or demote the employee to another office (option rejected because the reported conduct was too serious).
- ◆ Propose a suspension based on her day-long frightening and disruptive comments and conduct (option rejected because the reported conduct was too serious).
- ◆ Order a medical examination to determine whether the employee was fit for duty (option rejected because the employee was not in a position with medical standards or physical requirements).
- ◆ Offer a medical examination (option rejected because supervisor already tried it several times).
- ◆ Offer her leave for treatment (option rejected because supervisor already tried it).

The team recommended that the supervisor issue a proposal to remove based on the events in the other office, i.e., her day-long frightening and disruptive comments and conduct. They suggested that the notice also reference the earlier counseling memos and the reprimand which placed the employee on notice concerning her absence from her office and inappropriate behavior.

The supervisor proposed her removal. Three weeks later, the employee and her brother-in-law came in for her oral reply to the proposed notice. She denied making any of the statements attributed to her. Her brother-in-law asked the deciding official to order her to go for a psychiatric examination, but he was told that regulations prohibited the agency from doing so. The employee did not provide any additional medical documentation.

Case Study 15 – Frightening Behavior (continued)

Resolution

The agency proceeded with a removal action based on her disruptive behavior. Once her brother-in-law realized that her salary and health benefits would soon cease, he was able to convince her to go to the hospital for the help she needed and to file for disability retirement. The agency assisted her in filing forms with the Office of Personnel Management (OPM). The disability retirement was approved by OPM and this provided her with income and a continuation of medical coverage.

Questions for the Agency Planning Group

1. Do you agree with the agency's approach in handling this case?
2. Does your employee training direct employees to call security or 911 in emergency situations?
3. Is your team knowledgeable about accessing appropriate community resources for emergency situations?
4. What if the employee had not been willing and able to apply for disability retirement herself? Do you know the rules (discussed on page 111) concerning the agency's filing for disability retirement on behalf of the employee?
5. Does your agency's supervisory training encourage early intervention in cases of this type?

Case Study 16 – Disruptive Behavior

The Incident

*After workplace violence training was conducted at the agency, during which early intervention was emphasized, an employee called the Employee Assistance Program (EAP) member of the workplace violence team for advice on dealing with his senior coworker. He said the coworker, who had been hired at the GS-14 level six months earlier, was in the habit of shouting and making demeaning remarks to the other employees in the office. The senior coworker was skilled in twisting words around and manipulating situations to his advantage. For example, when employees would ask him for advice on a topic in his area of expertise, he would tell them to use their own common sense. Then when they finished the assignment, he would make demeaning remarks about them and speak loudly about how they had done their work the wrong way. At other times, he would demand rudely in a loud voice that they drop whatever they were working on and help him with his project. The employee said he had attempted to speak with his supervisor about the situation, but was told **not to make a mountain out of a mole hill.***

Response

The **EAP Counselor** met with the employee who had reported the situation. The employee described feelings of being overwhelmed and helpless. The demeaning remarks were becoming intolerable. The employee believed that attempts to resolve the issue with the coworker were futile. The fact that the supervisor minimized the situation further discouraged the employee. By the end of the meeting with the counselor, however, the employee was able to recognize that not saying anything was not helping and was actually allowing a bad situation to get worse.

At a subsequent meeting, the EAP counselor and the employee explored skills to address the situation in a respectful, reasonable, and responsible manner with both his supervisor and the abusive coworker. The counselor suggested using language such as:

*I don't like shouting. Please lower your voice.
I don't like it when you put me down in front of my peers.
It's demeaning when I am told that I am...*

Case Study 16 – Disruptive Behavior (continued)

*I don't like it when you point your finger at me.
I want to have a good working relationship with you.*

The employee learned to focus on his personal professionalism and responsibility to establish and maintain reasonable boundaries and limits by using these types of firm and friendly “I statements,” acknowledging that he heard and understood what the supervisor and coworker were saying, and repeating what he needed to communicate to them.

After practicing with the Employee Assistance Program (EAP) counselor, the employee was able to discuss the situation again with his supervisor. He described the situation in non-blaming terms, and he expressed his intentions to work at improving the situation. The supervisor acknowledged that the shouting was annoying, but again asked the employee not to make a mountain out of a mole hill. The employee took a deep breath and said, *It may be a mole hill, but nevertheless it is affecting my ability to get my work done efficiently.* Finally, the supervisor stated that he did not realize how disruptive the situation had become and agreed to monitor the situation.

The next time the coworker raised his voice, the employee used his newly acquired assertiveness skills and stated in a calm and quiet voice, *I don't like to be shouted at. Please lower your voice.* When the coworker started shouting again, the employee restated in a calm voice, *I don't like being shouted at. Please lower your voice.* The coworker stormed away.

Meanwhile, the **Supervisor** began monitoring the situation. He noted that the abusive coworker's conduct had improved with the newly assertive employee, but continued to be rude and demeaning toward the other employees. The supervisor consulted with the EAP counselor and **Employee Relations** specialist. The counselor told him, *Generally, people don't change unless they have a reason to change.* The counselor added that the reasons people change can range from simple “I statements,” such as those suggested above, to disciplinary actions. The employee relations specialist discussed possible disciplinary options with the supervisor.

The supervisor then met with the abusive coworker who blamed the altercations on the others in the office. The supervisor responded,

Case Study 16 – Disruptive Behavior (continued)

I understand the others were stressed. I'm glad you understand that shouting, speaking in a demeaning manner, and rudely ordering people around is unprofessional and disrespectful. It is unacceptable behavior and will not be tolerated. During the meeting, he also referred the employee to the Employee Assistance Program (EAP).

The coworker continued his rude and demeaning behavior to the other employees in spite of the supervisor's efforts. The others, after observing the newly acquired confidence and calm of the employee who first raised the issue, requested similar training from the EAP. The supervisor met again with the EAP counselor and employee relations specialist to strategize next steps.

Resolution

When all of the employees in the office started using assertive statements, the abusive coworker became more cooperative. However, it took a written reprimand, a short suspension, and several counseling sessions with the EAP counselor before he ceased his shouting and rude behavior altogether.

Questions for the Agency Planning Group

1. Does your workplace violence training include communication skills to put a stop to disruptive behavior early on (including skills for convincing reluctant supervisors to act)?
2. How would your agency have proceeded with the case if the coworker had threatened the employee who spoke to him in an assertive way?
3. What recourse would the employee have had if the supervisor had refused to intervene?

