

**WORKPLACE SECURITY****I. PURPOSE**

To describe to all individuals (e.g., employees, volunteers, visitors, clients/customers, vendors/independent contractors 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. Agency: The agencies and boards of the executive branch of state government provided in W. Va. Code § 5F-2-1 and any affiliated county health department.
- B. 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:
1. firearms, knives, blackjacks, metallic/false knuckles, and nunchaku as defined in W. Va. Code § 61-7-2, or other deadly weapons of like kind or character;
 2. incendiary-, explosive-, chemical-, biological-, or radiological-based devices; or,
 3. non-lethal or self-defense weapons.
- C. Employee: Any person who lawfully occupies a permanent or temporary position with an Executive agency of the State, or any affiliated political subdivision, and who is paid a wage or salary including, but not limited to, executive, administrative, classified, non-classified, exempt, seasonal, and temporary employees, and employees of county health departments affiliated with the West Virginia Division of Personnel. For the purpose of this policy, “employee” shall also include authorized students and interns performing services for an agency under direct supervision irrespective of receipt of wages.
- D. Identification 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.
- E. Locked Inside or Locked To: To be in a locked motor vehicle; in a locked trunk, glove box, or other interior compartment; in a locked container securely fixed to a motor vehicle; or, secured and locked to a motor vehicle itself by the use of some form of attachment and lock.
- F. Motor Vehicle: Any privately-owned automobile, truck, minivan, sports utility vehicle, motor home, recreational vehicle, motorcycle, motor scooter, or any other vehicle operated on the roads of this state and, which is required to be registered under state law.
- G. Pepper Spray: An aerosol spray containing capsaicin, irritating to the eyes and respiratory passages and used as a disabling self-defense weapon.

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- H. 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.
- I. 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 to cause, or is likely to result in, bodily harm.
- J. Vendor/Independent Contractor: Any entity or person responsible for the performance of work under a vendor agreement or contract, including employees of temporary staffing agencies.
- K. Volunteer: Any authorized individual directly engaged in the performance of services for a State or affiliated agency without promise, expectation, or receipt of compensation.
- L. Workplace: A site where work or service is performed in connection with the employment or service of an employee or vendor/independent contractor. The workplace shall include, but is not limited to, 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 owned, leased, or operated by the State.

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 or assaultive behavior in any public-owned or leased building or work site.

- A. Coverage: The provisions of this policy apply to all employees of West Virginia Executive agencies, including executive, administrative, classified, non-classified, exempt, volunteer and temporary employees, and employees of county health departments affiliated with the West Virginia Division of Personnel, as well as to their clients/customers, visitors, vendors/independent contractors and to the general public, unless otherwise noted. This policy is applicable while vendors/independent contractors, volunteers, and employees are engaged in any work/service-related activity which includes performance of agency business. Work/service-related activity includes, but is not limited to, conducting work/service, participating in training, representing the employer, receiving awards, speaking as a representative of the employer, and participation in receptions when invited as a result of employment/service with the employer.
- B. Possession of a Firearm or Dangerous/Deadly Weapon
 - 1. The possession of firearms or other dangerous/deadly weapons in the workplace by any individual, including any individual who possesses a license to carry a concealed weapon, is

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- prohibited. 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 who, because of the nature of his or her work, is duly authorized by his or her appointing authority to possess a firearm; Provided such person may only possess the firearm while engaged in his or her official capacity. For purposes of this policy, such individual is not considered to be engaged in his or her official capacity while participating in a grievance proceeding.
 - b. Firearms and self-defense items such as pepper spray lawfully stored in a personal motor vehicle (i.e., vehicles not owned, rented, or leased by the State and used by the employee in the course of employment). Unless otherwise prohibited, any person lawfully allowed to be present in the area may keep a lawfully possessed firearm stored out of view, locked inside or locked to a personal motor vehicle.
 - c. State property specifically designated for hunting or target shooting.
 - d. Employees of local health departments affiliated with the Division of Personnel. Local boards of health are encouraged to implement policies to address the possession of dangerous/deadly weapons at their respective workplaces.
 3. 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 workplace, when used for their intended purpose and not otherwise restricted by the appointing authority. Any knife or box cutter that is used in a threatening manner shall be treated as a dangerous/deadly weapon.
 4. Possession of replica or deactivated weapons in the workplace, other than for legitimate business purposes, is prohibited by this policy.
- C. Threatening or Assaultive Behavior: Threatening or assaultive behavior will not be tolerated and must be resolved immediately 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/independent contractor, visitor, etc.) who exhibits threatening, hostile, or abusive behavior, either physically or verbally, or who otherwise willfully interrupts or disrupts 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;

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- 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 (ID) 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 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 may have his or her proximity card revoked and 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.

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5. Door Security - When entering or exiting a Capitol Complex building through a secure doorway, employees are responsible for swiping his or her proximity card upon entrance and ensuring the door closes securely behind them and that unauthorized individuals do not follow them into the building. For this reason, employees should not use the Americans with Disabilities Act (ADA) paddle to enter and exit unless such accommodation is required. 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 may have his or her proximity card revoked, 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 the State-issued proximity card and ID Badge, unless he or she is transferring to another State agency, in which case he or she may retain the proximity card. 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 or other covered workplace to perform services, shall be subjected to the same screening procedures as other visitors seeking admittance to such workplaces and shall observe all other regulations applicable to visitors in general.
 8. Visitors - All visitors who seek entrance to a Capitol Complex building with secured entrances 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 or similar device. Prohibited items will not be confiscated or held by the staff of the Division of 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 secured Capitol Complex buildings.
- F. Appointing authorities, with the approval of the Division of Protective Services, are authorized to establish measures to restrict access to State government workplaces outside the Capitol Complex in accordance with the purpose of this policy and applicable laws and regulations.

IV. RESPONSIBILITIES

- A. Agencies: It shall be the responsibility of each agency to:
 1. Post the Workplace Security Policy in a central location of the agency, and at all satellite offices and to post the Workplace Security Poster or other applicable signage at all entrances, exits, and throughout each work site.

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2. Distribute a copy of the Policy and the appropriate Workplace Security Acknowledgment Form (Appendix A or B) to each current employee and to new employees during enrollment and orientation; and maintain the signed acknowledgment form in each employee's personnel file.
 3. Establish internal written procedures to ensure a safe working environment and develop specific plans to respond to and defuse potentially dangerous or threatening situations.
 4. Ensure that employees are informed of the internal procedures pertaining to 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.
 5. Enforce the provisions of this policy and administer appropriate disciplinary action for any violation.
 6. Ensure that vendors/independent contractors have executed agreements to ensure compliance with workplace security requirements.
- B. West Virginia Division of Personnel: In conjunction with the Division of Protective Services, shall provide training to all State government supervisors and managers regarding workplace safety and security measures.
- C. Employees: It shall be the responsibility of each employee to:
1. Abide by the terms of this policy and other applicable laws, rules and policies;
 2. Understand that violation of any and all sections of this policy may lead to disciplinary action, up to and including dismissal;
 3. Acknowledge understanding of and compliance with this policy by signing the appropriate Workplace Security Acknowledgment Form (Appendix A or B);
 4. Participate in required training;
 5. Notify his or her agency head, the human resource director, or immediate supervisor, or, if necessary, law enforcement officials regarding threats, potential acts of violence, or violent activities, including domestic violence situations that may impact the workplace;
 6. Not retaliate against those who participate in the complaint and/or investigation process; and,
 7. Inform his or her supervisor immediately upon being served a restraining or protective order.

**WORKPLACE SECURITY****V. PROCEDURES**

- A. Possession of a Firearm/Concealed Weapon/Threatening or Assaultive Behavior: Any employee who knows or suspects that an unauthorized person, (such as a fellow-employee, visitor, vendor/independent contractor, etc.) unlawfully possesses a firearm or other dangerous/deadly weapon, or that any person is engaged in threatening behavior or language while on State property, shall notify his or her agency head, human resource director or immediate supervisor, and if necessary, should call 911, the Division of Protective Services at 304-558-9911, 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.
- 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 motor vehicle while on the employer's premises.
1. A search of the workplace must be reasonable based on the totality of the circumstances in which the 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. When possible, the Division of Protective Services should be consulted prior to the search. All searches must satisfy the following criteria:
 - a. the search was justified at the time it was conducted, and
 - b. 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.
 3. No appointing authority may violate the privacy rights of an employee, client/customer or visitor by:
 - a. Making a verbal or written inquiry regarding the presence or absence of a firearm locked inside or locked to a motor vehicle in a parking lot; or
 - b. Conducting an actual search of a motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle. Provided, that a search of a motor vehicle in a parking lot to ascertain the presence of a firearm within that motor vehicle may only be conducted by on-duty, law enforcement personnel, in accordance with statutory and constitutional protections.

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4. No appointing authority may take any action against an employee, client/customer or visitor based upon verbal or written statements of any party concerning possession of a firearm stored inside a motor vehicle in a parking lot for lawful purposes, except upon statements made pertaining to unlawful purposes or threats of unlawful actions involving a firearm made in violation of West Virginia Code § 61-6-24.

VI. REFERENCES

- A. West Virginia Code § 61-7-1 *et seq.*
- B. West Virginia Code § 61-3B-5, Trespass on State government property; aiding and abetting penalties.
- C. West Virginia Code § 61-6-1b, Disorderly conduct; penalty.
- D. West Virginia Code § 61-6-19, Willful disruption of governmental processes; offenses occurring at State capitol complex; penalties.
- E. West Virginia Code § 29-6-1 *et seq.*

VII. EFFECTIVE DATE: May 1, 1995.**VIII. REVISIONS**

- A. Previous Revisions: July 1, 2002.
- B. Latest Revision: June 1, 2018.

IX. POLICY NUMBER: DOP-P15.

Approved and Issued By:

A handwritten signature in blue ink that reads "Sheryl R. Webb".

Sheryl R. Webb, Director of Personnel

Date Signed: May 23, 2018



**WORKPLACE SECURITY
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 agency 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 good faith. I understand that knowingly making 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 III.B. 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 dangerous/deadly weapons, and may seize any prohibited item deemed necessary and take any warranted disciplinary action accordingly.

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 Name (Print)

Employee’s Signature

Date: _____

TO BE COMPLETED BY SUPERVISOR

I certify that I have discussed with and provided the above-named employee a copy of the West Virginia Division of Personnel *Workplace Security* policy (DOP-P15).

Supervisor’s Name (Print)

Supervisor’s Signature

Date: _____

Distribution: Original – Human Resources
Copy – Employee



**WORKPLACE SECURITY
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 agency 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 good faith. I understand that knowingly making 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 III.B. 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 dangerous/deadly weapons, and may seize any prohibited item deemed necessary and take any warranted disciplinary action accordingly.

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 Name (Print)

Employee’s Signature

Date: _____

TO BE COMPLETED BY SUPERVISOR

I certify that I have discussed with and provided the above-named employee a copy of the West Virginia Division of Personnel *Workplace Security* policy (DOP-P15).

Supervisor’s Name (Print)

Supervisor’s Signature

Date: _____

Distribution: Original – Human Resources
Copy – Employee



PROHIBITED

FIREARMS DANGEROUS/DEADLY WEAPONS THREATENING/ASSAULTIVE BEHAVIOR

The possession of firearms or dangerous/deadly weapons on these premises by any individual, including any individual who possesses a license to carry a concealed weapon, is prohibited.

EXCEPTIONS

- On-duty federal, state, or local government law enforcement/security personnel or employees authorized to carry a firearm only while engaged in official duties.
- State property specifically designated for hunting or target shooting.
- Unless otherwise prohibited, any person lawfully allowed to be present in the area may keep a lawfully possessed firearm and self-defense item such as pepper spray stored out of view, locked inside or locked to a personal motor vehicle.

Individuals seeking entrance to State-owned, leased, or operated facilities may be subject to security screening procedures which include:

- ✓ Passing through a metal detector, and
- ✓ Having personal possessions (e.g., purses, briefcases, backpacks, etc.) x-rayed or manually searched.

Threatening or assaultive behavior is prohibited. Any person who exhibits threatening or assaultive behavior, physical or verbal, or who otherwise willfully disrupts the orderly and peaceful process of any department, division, or agency of State government, may be subject to arrest and criminal prosecution.

PENALTIES

Any person who, upon request, refuses to vacate the premises while unlawfully possessing a firearm or other deadly/dangerous weapon may be charged with a misdemeanor, and upon conviction, may be fined not more than \$1000 or be confined in jail for not more than 6 months, or both. (*W. Va. Code § 61-7-14*)

Any person who engages in threatening or assaultive behavior may be subject to arrest and criminal prosecution. (*W. Va. Code §§ 61-6-1b and 61-6-19*)

Any employee who violates the provisions of the West Virginia Division of Personnel's *Workplace Security* policy is subject to disciplinary action, up to and including dismissal.

The policy and posters are available at:

www.personnel.wv.gov/rules/policies/Pages/default.aspx

or call 681-313-2706 to request that forms be emailed to you.

THANK YOU FOR YOUR COOPERATION