



DEPARTMENT OF THE NAVY
COMMANDER NAVY RESERVE FORCE
1915 FORRESTAL DRIVE
NORFOLK VIRGINIA 23551-4615

COMNAVRESFORINST 12735.1
N00CP
31 MAR 2014

COMNAVRESFOR INSTRUCTION 12735.1

From: Commander, Navy Reserve Force

Subj: VIOLENCE IN THE WORKPLACE

Ref: (a) COMNAVRESFORINST 12752.2A
(b) 5 U.S.C. 75
(c) COMNAVRESFORINST 12630.3

Encl: (1) Administrative Leave Sample Letter
(2) Proposed Indefinite Suspension Sample Letter

1. Purpose. To issue policy, procedures and responsibilities for addressing potential and actual violence in the workplace.

2. Discussion. It is Commander, Navy Reserve Force (COMNAVRESFOR) policy to promote a safe environment for its employees. COMNAVRESFOR is committed to providing a work environment free from violence, threats of violence, harassment, intimidation and any other similar disruptive behavior. All COMNAVRESFOR employees, both management and non-management officials, are responsible for promoting a violence-free work environment. All reports of incidents will be taken seriously and will be dealt with appropriately, using the full range of penalties identified per references (a) and (b). This instruction also establishes the COMNAVRESFOR Incident Response Team (IRT).

3. Scope. This policy covers incidents of violence or credible threats of violence involving COMNAVRESFOR civilian employees and/or contractors.

4. Responsibilities. COMNAVRESFOR will respond as required to all reported incidents and take action to stop inappropriate behavior as follows:

a. All employees:

(1) If witnessing violent physical behavior or a threat of physical violence, personnel shall call the designated emergency telephone number for their location and then notify their supervisor at the first opportunity. Employees should not attempt to separate physically violent employees themselves.

(2) Immediately report to their supervisor or an appropriate management official any other type of behavior constituting a credible threat. A credible threat is defined as a knowing and willful statement or conduct that would place a reasonable person in fear for his or her safety.

b. Immediate supervisor(s):

(1) Upon witnessing or upon being apprised of a potential violence in the workplace incident, place the employee(s) involved on administrative leave, using enclosure (1), if there was physical contact between the employees or if there was a credible threat made. Ensure the proper notification is made to law enforcement officials and the chain of command is notified of the event.

(2) Upon witnessing or being apprised of the incident, immediately notify the COMNAVRESFOR Security Office and the Labor and Employee Relations Specialist, N00CP. They will convene the IRT within three days.

(3) Behavior not rising to the level of a credible threat but behaviors including harassment, intimidation and any other similar disruptive behavior will not be tolerated in the workplace. Supervisors shall contact the servicing Labor and Employee Relations specialist in N00CP for advice and guidance on dealing with such behavior.

c. Supervisory chain of involved parties shall:

(1) Support the efforts made by subordinate supervisors and Human Resource (HR) specialists in dealing with violent, intimidating, threatening, harassing, or other such disruptive behavior in our workplace.

(2) Make specific, deliberate decision regarding the use of administrative leave. Administrative leave represents an overhead cost and should only be used to minimize risk to the command and its employees. If it is necessary to keep an employee or employees out of the workplace for an extended period of time pending completion of a full fact-finding investigation, typically more than 30 days, use of indefinite suspension, enclosure (2), vice administrative leave, will be considered. While employees are entitled to a statutory 30 day notice prior to the imposition of an adverse action, such as indefinite suspension, the proposal for such action may occur immediately after review of the incident, by the IRT, in order to minimize the use of administrative leave. Indefinite suspension letters shall be drafted by N00CP. Enclosure (2) is a sample Notice of Proposed Indefinite Suspension.

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d. The applicable Echelon III or IV Commanding Officer (CO) or designee will review the findings of the IRT and approve administrative leave, per reference (c), where it is deemed necessary to remove individuals from the workplace for periods longer than five days, until further appropriate action may be taken. The applicable Echelon III or IV CO, or designee, shall request approval from the Deputy Commander, or designee, for periods of administrative leave over 30 days.

5. IRT

a. Member responsibilities

(1) Labor and Employee Relations Specialist (N00CP) is the team lead. The team lead is responsible for convening the team, recording the deliberations of the team and tracking use of administrative leave per reference (c). The Labor and Employee Relations Specialist shall meet with the alleged offender's supervisor independently of the IRT to recommend appropriate disciplinary action.

(2) Security Office Representative. Assists in assessing the risk to the command and determines whether the incident should be reported to the Department of Defense Central Adjudication Facility, Navy Division, and/or additional action is necessary, such as retrieval of Common Access Card or Command badge.

(3) Office of General Counsel Representative. Assists in assessing the risk and liability to the command and is present for awareness purposes should the incident result in criminal charges.

(4) The cognizant management official. Typically the management official to whom the incident is reported, this manager shall determine the basic facts of the alleged incident to report to the IRT.

(5) Other management representatives. Additional management officials, as appropriate, may be added to the team if they have information necessary to the deliberations of the team. Inclusion of potential proposing or deciding officials other than the management official, to whom the incident was reported, compromises the objectivity of the disciplinary process, and is not permitted.

b. IRT Actions

(1) As soon as possible, but no later than three business days following the report of an incident, meet to review the basic facts concerning the incident.

(2) Within one business day of the initial meeting, the IRT shall recommend to the applicable Echelon III or IV senior manager whether or not the affected employee(s) should remain on administrative leave (if applicable), or be returned to duty while a complete fact-finding is made of the incident and appropriate action taken within the employee(s) chain of command.

(3) Follow-up with the Echelon III or IV CO, or designee, when the affected employee(s) has been on administrative leave for 5, 30 and 60 days, and then every thirty 30 days thereafter, to ensure the administrative leave is appropriately continued or the employee is returned to duty.

(4) Notify the appropriate Civilian Employee Assistance Program point of contact regarding the event.

(5) Brief the Commander, Navy Reserve Forces Command Executive Director as needed, but at least quarterly on all violence in the workplace incidents.

6. Administrative leave

a. Administrative leave is a category of leave, and not a disciplinary action. Employees placed on administrative leave shall contact their immediate supervisor daily, at the start of the regularly scheduled work shift for instructions, and be ready to return to work at any time as instructed, unless a request for another type of leave is made and approved.

b. Management officials shall not approve administrative leave beyond the scope of his/her authority as described above.


R. R. BRAUN

Distribution:
Electronic copy via COMNAVRESFOR Web site
<http://navyreserve.navy.mil>

Administrative Leave Sample Letter

12752
CODE
DATE

MEMORANDUM

From: TITLE, ORG INFO
To: NAME, TITLE, SERIES-GR, ORG INFO
Subj: NOTICE OF ADMINISTRATIVE LEAVE

1. Effective immediately, I am placing you on Administrative Leave until further notice. This means that you will be on leave with no loss in pay or benefits. This action is being taken due to the incident you were involved in on DATE. The command will be initiating a fact-finding investigation, for which you will be contacted for an interview.

2. While in an Administrative Leave status, you are required to call daily and speak directly to your supervisor to report your attendance for the day, and for any additional information or the status of this investigation. You are to call NAME at TIME daily at NUMBER. If your supervisor is not available, you are required to call NAME, at PHONE. If you do not call your supervisor as indicated above, you will be charged Unauthorized Absence. You are required to remain available by phone during your regularly scheduled duty hours for this administrative leave period.

3. You are not to return to any Commander, Navy Reserve Force facilities or worksites until you have been directed to do so by me, or another appropriate management official. If you have any questions concerning this matter, please contact NAME, Command Human Resources Office, at PHONE.

SIGNATURE BLOCK

Copy to:
Member
Command Human Resources Office

Enclosure (1)

Subj: NOTICE OF ADMINISTRATIVE LEAVE

I ACKNOWLEDGE RECEIPT OF THIS MEMORANDUM

EMPLOYEE

DATE

Note: Your signature on this acknowledgement of receipt does not indicate your approval of or concurrence with the letter's content.

Enclosure (1)

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Proposed Indefinite Suspension Sample Letter

12752

CODE

DATE

MEMORANDUM

From: TITLE, ORG INFO

To: NAME, TITLE, ORG INFO

Subj: NOTICE OF PROPOSED INDEFINITE SUSPENSION

1. I am proposing to suspend you from your position of TITLE, PP-SER-GR for an indefinite period of time, without pay, pending the results of the investigation being conducted regarding the incident that occurred on DATE.

2. This proposed action, if reviewed and endorsed by the deciding official, will occur no earlier than 30 calendar days from receipt of this notice. During the notice period, you will continue in your current administrative leave status. A decision will be made after all information relating to the proposed action has been considered. If a decision is made to affect an indefinite suspension, you will be placed in a non-duty status. This status will continue until the investigation is complete. At that time, your suspension may be terminated or additional adverse action may be proposed. If additional adverse action is proposed, you will be notified of the proposed action in writing, and you will continue in a suspension status through the notice period of the proposed action.

3. You may reply to this notice orally and/or in writing within 14 calendar days after receipt of this letter and furnish affidavits or other documentary evidence in support of your answer. Any reply you make should be made to NAME. To reply to NAME, you must call him/her at PHONE to schedule an appointment. Consideration will be given to extending the 14-day reply period if you submit a written request to NAME. Your request must state your reason for requesting additional time. If you choose not to reply, the decision will be made based upon the material relied upon to process this action.

4. You have the right to be represented by an attorney or other representative of your choice. Your representative must be designated in writing.

Enclosure (2)

Subj: NOTICE OF PROPOSED INDEFINITE SUSPENSION

You and/or your representative may review the material relied upon to propose this indefinite suspension. To review the material, you must contact NAME, Command Human Resources Office, at PHONE.

5. A written decision will be issued to you as soon as possible after your reply is received, or after the expiration of the 14 day period.

SIGNATURE BLOCK

Copy to:
CODE

Command Human Resources Office (N00CP)

I ACKNOWLEDGE RECEIPT OF THIS MEMORANDUM

EMPLOYEE

DATE

Note: Your signature on this acknowledgement of receipt does not indicate your approval of or concurrence with the letter's content.

Enclosure (2)