



West Virginia Department of Transportation Policy: **Workplace Security**

Issued by the Secretary of Transportation

Policy No: DOT 3.22

Issue Date: 05/01/1995

Revised: 04/22/2022

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1.0 PURPOSE

The purpose of this policy is 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 all West Virginia Department of Transportation (WVDOT) 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.

2.0 SCOPE

This policy applies to all WVDOT employees, of all classifications excluding the Parkways Authority. The policy also applies to volunteer, temporary, vendors/independent contractors, visitors, customers/clients, and to the general public.

3.0 DEFINITIONS

- 3.1 **Agency:** Any authority, bureau, commission, or Division, or similar subpart of the WVDOT.
- 3.2 **Agency Head:** Chief executive officer of any agency.
- 3.3 **Dangerous or 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 "deadly weapon" includes, but is not limited to, the instruments defined in subdivisions (1) through (9) of §61-7-2, inclusive, of this section or other deadly weapons of like kind or character which may be easily concealed on or about the person. In addition to the definition of "knife" in subdivision (9) of §61-7-2, the term "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. The term "deadly weapon" includes explosive, chemical, biological, and radiological materials. *
- 3.4 **Employee:** A person who lawfully occupies a position in a WVDOT agency and who is paid a wage or salary and who has not severed the employee-employer relationship.
- 3.5 **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.
- 3.6 **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

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motor vehicle; or, secured and locked to a motor vehicle itself by the use of some form of attachment and lock.

- 3.7 **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.
- 3.8 **Pepper Spray:** A temporarily disabling aerosol that is composed partly of capsicum oleoresin and causes irritation, blinding of the eyes, and inflammation of the nose, throat, and skin that is intended for self-defense use.
- 3.9 **Proximity Card:** A State-issued access or key card that permits an employee to enter a State-owned or leased facility within set parameters of day, date, and time.
- 3.10 **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.
- 3.11 **Vendor or Independent Contractor:** Any entity or person responsible for the performance of work under a vendor agreement or contract, including employees of temporary staffing agencies.
- 3.12 **Volunteer:** Any authorized individual directly engaged in the performance of services for a WVDOT or affiliated agency without promise, expectation, or receipt of compensation.
- 3.13 **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 WVDOT.

*Additional definitions for dangerous weapons may be found at <https://code.wvlegislature.gov/61-7-2/> in §61-7-2.

4.0 POLICY

It is the policy of the WVDOT to take reasonable measures to ensure the health, safety, and welfare of all WVDOT employees and the general public they serve, while in the buildings or on the grounds of the Capitol Complex and all other WVDOT workplaces by screening mail and monitoring and limiting the access of all individuals to WVDOT 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.

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4.1 POSSESSION OF A FIREARM OR DANGEROUS/DEADLY WEAPON

- A. 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 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.
- B. The above section (4.1.A) does not apply to the following:
 - 1. Firearms 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.
 - 2. A canister of pepper spray less than or equal to one ounce used solely for self-defense purposes by any person over the age of sixteen (16) at the Capitol Complex and other WVDOT workplaces.
- C. Folding pocketknives, 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, or Agency Head. Any knife or box cutter that is used in a threatening manner shall be treated as a dangerous or deadly weapon.
- D. Possession of replica or deactivated weapons in the workplace is prohibited by this policy.

4.2 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 WVDOT, 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:

- A. The perception that a threat is real;
- B. The nature and severity of potential harm;
- C. The likelihood that harm will occur;

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- D. The imminence of the potential harm;
- E. The duration or risk; or
- F. The past behavior of an individual.

4.3 MONITORING MAIL AND DELIVERIES

All mail delivered to the Capitol Complex, Central Mail Room, 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.

4.4 RESTRICTED ACCESS TO CAPITOL COMPLEX OFFICE BUILDINGS

- A. Employee Identification (ID) Badge: Each WVDOT employee who works in the Capitol Complex shall prominently display their own State-issued ID Badge at all times while inside a Capitol Complex building. Any employee who cannot prominently display their own ID Badge due to safety reasons shall keep the ID Badge on their person and shall produce it, upon request, to confirm identity. Any employee who refuses or otherwise fails to display or produce their own ID Badge shall be barred from entering any Capitol Complex building and may be subject to disciplinary action, up to and including dismissal.
- B. Visitor Identification Badge: Every visitor entering a building in the Capitol Complex shall prominently display their Visitor's Badge during the entire length of their visit to the building. Visitors' 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.
- C. 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 their 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 their proximity card may have their proximity card revoked and shall be subject to disciplinary action, up to and including dismissal.

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- D. Employee Access: Any employee, by using their proximity card, will normally be able to freely enter, without being subject to security screening, the specific Capitol Complex building(s) authorized by WVDOT as the employer on the specific days and during the specific hours authorized by WVDOT. Any employee wishing to enter any Capitol Complex building(s) on day(s) or at times not authorized by WVDOT, shall be subject to the same security screening as a visitor.
- E. Door Security: When entering or exiting a Capitol Complex building through a secure doorway, employees are responsible for swiping their 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 their proximity card revoked, shall be subject to disciplinary action, up to and including dismissal, and may be subject to arrest and criminal prosecution.
- F. Separating Employees: When any employee leaves employment with a WVDOT agency, they shall surrender to their immediate supervisor the State-issued proximity card and ID Badge, unless the separating employee is transferring to another State agency, in which case they may retain the proximity card. Each departing employee shall surrender their ID Badge even if the separating employee is transferring to another agency in the same office building. Any departing employee who fails to surrender their ID Badge or proximity card, or both when required, shall be subject to civil action in a court of competent jurisdiction for the recovery of such State property.
- G. 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.
- H. 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

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submit to such screening shall be denied access to secured Capitol Complex buildings.

- I. Appointing authorities, with the approval of the Agency Head, 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.

5.0 RESPONSIBILITIES

5.1 It is the responsibility of each agency under WVDOT to:

- A. 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.
- B. Distribute a copy of the policy and the appropriate Workplace Security Policy Acknowledgment Form, located at the end of this policy, to each current employee and to new employees during orientation; and maintain the signed acknowledgment form in each employee's personnel file.
- C. Establish internal written procedures to ensure a safe working environment and develop specific plans to respond to and defuse potentially dangerous or threatening situations.
- D. 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.
- E. Enforce the provisions of this policy and administer appropriate disciplinary action for any violation.
- F. Ensure that vendors/independent contractors have executed agreements to ensure compliance with workplace security requirements.
- G. Provide training with Division of Protective Services.

5.2 It is the responsibility of each employee of WVDOT to:

- A. Abide by the terms of this policy and other applicable laws, rules, and policies;
- B. Understand that violation of any and all sections of this policy may lead to disciplinary action, up to and including dismissal;

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- C. Acknowledge understanding of and compliance with this policy by signing the appropriate Workplace Security Policy Acknowledgment Form, located at the end of this policy;
- D. Participate in required training;
- E. Notify the appropriate Agency Head, the director of the Human Resources (HR) Division, 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;
- F. Not retaliate against those who participate in the complaint or investigation process; and,
- G. Inform their supervisor immediately upon being served a restraining or protective order.

6.0 PROCEDURES

- 6.1 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 WVDOT property, shall notify their immediate supervisor and continue notification to the director of the HR Division, the Agency Head, and if necessary, should call 911, the Division of Protective Services at 304-558-9911, or other appropriate law enforcement officials. Under no circumstances should any employee attempt to confiscate any firearm or dangerous/deadly weapon from any individual. Employees should leave the site of any potential harm, especially if weapon is brandished.
- 6.2 Workplace Searches: As a public employer, each Agency Head, or designee, may open and inspect public properties for a work-related purpose. Additionally, based on a reasonable, good faith, objective suspicion of a present danger, Agency Heads or designees, 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.
 - A. 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 Agency Head, or designee. When possible, the Division of Protective Services should be consulted prior to the search. All searches must satisfy the following criteria:
 - 1. The search was justified at the time it was conducted, and

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2. The search must be reasonably related in scope to the circumstances which led to the search.
- B. Appropriate authorities should be called for searches relating to suspected drugs and weapons.
- C. No Agency Head, or designee, may violate the privacy rights of an employee, client, customer, or visitor by:
 1. 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
 2. 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.
- D. No Agency Head, or designee, 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.

7.0 REFERENCES

- 7.1 West Virginia Code §5F-2-8

8.0 CHANGE LOG

April 22, 2022 –

- Reformatted policy to WVDOT from Division of Personnel (DOP)
 - Previous revisions from DOP in 2002, 2018, and 2020.
- Generally revised policy using more specific language to reflect current procedures.

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POLICY ACKNOWLEDGMENT FORM

I, _____, certify that I have received a copy of the West Virginia Department of Transportation Workplace Security policy (DOT 3.22).

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 acknowledge responsibility to notify my Agency Head, the director of the Human Resources Division, 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 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 and requirements. My signature does not indicate that I agree or disagree with the content of the policy. However, I understand I must abide by the terms of the policy and I am aware that with any violation of this policy, I will be subject to disciplinary action, up to and including dismissal. I understand that certain violations of this policy may result in arrest and criminal prosecution.

Employee's Name (Print)

Employee's Signature

TO BE COMPLETED BY SUPERVISOR

I, _____, certify that I have discussed with and provided the above listed employee a copy of the West Virginia Department of Transportation Workplace Security policy (DOT 3.22).

Supervisor's Name (Print)

Supervisor's Signature

Date

Distribution: Original – Human Resources
Copy – Employee

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Approved by:



Jimmy D. Wriston, P.E.

Secretary of
Transportation
Commissioner of
Highways



Date

*The Secretary of the West Virginia Department of Transportation or the Commissioner of Highways may, pursuant to the authority vested with the Secretary and Commissioner in W. Va. Code §5F-2-2, §17-2A-1 et seq., and §17-2-1 et seq., waive the requirements of this policy if the circumstances, in the Secretary or Commissioner's sole discretion, warrant such action.