

Town of North Elba



Workplace Violence Prevention Program Manual

Effective: June 11, 2013

Workplace Violence Prevention Program Manual

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Workplace Violence Policy Statement

The Town of North Elba (Town) is committed to providing a safe work environment and to fostering the health and well-being of its employees. This commitment is jeopardized when any Town employee commits any act of violence in the workplace. Violence can include any behavior that threatens the safety of employees, co-workers, or any other individuals involved with Town business. Workplace violence can be, but is not limited to physical attacks, emotional abuse, verbal abuse, harassment, sexual assaults, property damage, sabotage or theft.

Therefore, the Town of North Elba has established the following policy:

The company will not tolerate (zero tolerance) or condone violence, including physical attacks, emotional abuse, verbal abuse, harassment, sexual assaults, property damage, sabotage, or theft by employees. It is the policy of the Town to maintain a workplace free of violence.

It is the policy of the Town of North Elba that employees who engage in violence in the workplace will be subject to disciplinary action up to and including termination. It is the policy of the Town of North Elba to commit the resources necessary to achieve and maintain a violence-free environment. The Town expects the full support of this policy by all employees and all persons doing business with the Town.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on Town property will be removed from premises as quickly as safety permits and shall remain off Town premises pending the outcome of an investigation. The Town of North Elba's response to incidents of violence may include suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and criminal prosecution of those involved.

All Town personnel are responsible for notifying the contact person designated below of any threats they have witnessed, received, or have been told that another person has witnessed or received. Personnel should also report behavior they regard as threatening or violent if that behavior is job-related or might be carried out on a company-controlled site.

An employee who applies for or obtains a protective or restraining order that lists company locations as protected areas must provide a copy of the petition and declarations used to seek the order and a copy of any temporary or permanent protective or restraining order that was granted. The Town of North Elba has confidentiality procedures that recognize and respect the privacy of the reporting employee(s).

Designated Contact Person(s):

Human Resource Coordinator; Safety Coordinator
Town of North Elba
2693 Main Street, Lake Placid, NY 12946
518-523-9517

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Introduction

Rule of Law

Article 2, section 27-b of New York State's Labor law defines the duty of public employers to develop and implement programs to prevent workplace violence. The purpose of this section is to ensure:

1. that the risk of workplace assaults or other forms of violence is evaluated;
2. employers design and implement workplace violence protection programs;
3. all employees are trained to recognize, prevent and minimize the hazards of workplace violence.

Article 2, section 27-b was codified and became 12NYCRR Part 800.6 on April 29, 2009, when it was published as a final rule in the State Register. The Town of North Elba is a political subdivision of the State, and as such is subject to the provisions of the law. Additionally, the Town's plan must be written as we have more than twenty (20) full-time employees.

Purpose & Scope

The purpose of the manual is to define workplace violence, provide instruction on what it consists of, how to respond to it, and the appropriate procedures for subsequent reporting. The goal of the Town of North Elba is to provide a safe workplace by eliminating the hazards to health and job safety created by violence in the workplace.

The policies and procedures set forth in this manual shall apply to employees of the Town of North Elba while on the job and to situations where an employee's off-the-job or off-premises conduct impacts work performance, undermines the public confidence in, or threatens the safety of that employee, other employees, or customers.

Responsibility

The contact for the Workplace Violence Prevention Program policy and procedure is the Safety Coordinator who, along with all department heads and the Town Board, is charged with implementing the provisions of this program for The Town of North Elba.

Each department head of the Town of North Elba will be responsible for ensuring that all employees are familiar with the policies and procedures detailed herein. Additionally, department heads will report any instance of workplace violence to the Safety Coordinator, and refer any and all employees involved for appropriate counseling.

Should any department head feel there are potential situations for workplace violence not covered in this manual, they may develop policies and procedures specific to

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departmental needs and submit them for incorporation in this manual. Any policy developed by a department is subject to central review by the Safety Coordinator and Town Board for consistency with the Town's policy.

Principles

Studies show that many incidents of workplace violence start with personal problems. Therefore, one of the primary focuses is to increase awareness of persons experiencing stressful situations and knowing how to cope with a potentially violent individual.

Management is responsible for providing training and support, and referring employees dealing with stressful circumstances to the appropriate resources.

Employees are responsible and accountable for following prescribed prevention practices, including informing a supervisor of a potential problem, reporting an incident of workplace violence, and using other resources as needed.

Workplace Violence Prevention Policy Program Assessment

A workplace violence prevention program assessment shall be performed at least on an annual basis. An assessment will be carried out after any and all incidents of workplace violence, at the request of an employee, or at any other time deemed appropriate by the Safety Coordinator.

Definitions

"Workplace Violence" is defined as any physical assault or an act of aggressive behavior occurring where the public employee performs any work-related duty in the course of his or her employment. This includes any behavior that threatens the safety of any employee or individual involved with Town of North Elba business and includes physical attacks, emotional or verbal abuse, harassment, sexual assaults, property damage, sabotage or theft.

"Weapon" is defined as any firearm or object that has been designed with the intent to harm another person or property, or any object which has been designated through misuse to inflict harm to another person or property.

"Employer", for the Town of North Elba, means a political subdivision of the state, excluding educational institutions.

"Employee" means a public employee working for an employer;

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“Workplace” means any location away from an employee’s home, permanent or temporary, where an employee performs any work-related duty in the course of employment;

“Supervisor” means any person within an employer’s organization who has the authority to direct and control the work performance of an employee, or who has the authority to take corrective action regarding the violation of a law, rule or regulation to which an employee submits written notice;

“Retaliatory Action” means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Workplace Violence – What it is and how it should be handled

Stages of Violent Behavior and their Warning Signs

Everyone experiences stressful situations which can interfere with job performance. Stress may not be work related – it may involve trouble at home, finances, or relationships. The Town of North Elba recognizes that there may be employees who are under stress and/or dealing with stress-related problems and stands willing to assist in the resolution of these problems.

The Town of North Elba depends on all employees to be aware of and appropriately respond to warning signs exhibited by any employee, vendor, visitor, or other individual conducting business with the Town.

Stage 1 – involves treating other people as objects or dehumanizing them. This includes name-calling, slurs, and insults. It may include challenging authority, insubordination, being habitually argumentative, and alienating customers and co-workers.

Warning signs for stage 1 include, but are not limited to,

- Becoming upset or angry without apparent cause;
- Employees who isolate themselves;
- Feeling entitled;
- Frequent, vague physical complaints;
- Poor relationships with co-workers;
- Resistance and overreaction to changes in procedures;
- Someone usually pleasant and relaxed becomes angry and tense.

Stage 2 – An individual starts to ignore company policies and procedures, stealing from the company or co-workers, blaming others for their problems, damaging property, or making threats (orally, in writing, by email or voice mail).

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Warning signs for stage 2 include those listed in stage 1, as well as:

- A generally agreeable person becomes habitually argumentative;
- Dealing with major changes such as the birth of a baby or divorce,
- Depression and withdrawal;
- Increased use of alcohol or drugs;
- Making threatening comments including doing harm to oneself or another;
- Mood swings;
- Noticeable decrease in attention to appearance and hygiene;
- Repeated violations of company policies;
- Unexplained increase in absenteeism.

Stage 3 – There is open aggression such as displaying a gun, knife, grenade, or other weapon; punching, kicking, or slapping a victim; committing assault or arson; and attempting suicide. When an employee tries to commit violence against oneself, this qualifies as workplace violence.

Warning signs for stage 3 include those listed for stages 1 and 2, as well as:

- Fascination with weapons such as guns or knives;
- Has a plan to “solve all problems”;
- Intimidation;
- Marked deterioration in personal hygiene;
- Noticeably unstable emotional responses;
- Paranoia;
- Repeated comments that indicate suicidal tendencies;
- Stalking.

Alcohol abuse, drug abuse, obsessive fascination with weapons – these all must be dealt with IMMEDIATELY.

Types of Perpetrators

Clients
Co-workers
Customers
Delivery Services
Former employees (and their friends and family)
Personal relations
Strangers
Suppliers

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Appropriate Responses

There are several ways to respond to various types of workplace violence. The key is in distinguishing between an individual who is being *difficult* (i.e., arguing) and someone who is dangerous (i.e., causing harm). Following is a list of “do’s” and “don’ts” when dealing with someone who is exhibiting any sign of potentially violent behavior.

DO	DON'T
Do project calmness. Move and speak slowly, quietly, and confidently.	Don't make sudden movements that may seem threatening.
Do listen attentively and encourage the person to talk.	Don't speak rapidly, raise your voice, or use an accusatory tone.
Do let the speaker know that you are interested in what is being said.	Don't reject all demands.
Do maintain a relaxed, but attentive, posture.	Don't make physical contact or use long periods of eye contact.
Do acknowledge the person's feelings and indicate that you can see they are upset.	Don't pose in challenging stances such as directly opposite someone, hands on hips, or with arms crossed.
Do ask for small, specific favors such as asking the person to move to a quieter area.	Don't challenge, threaten, or dare the individual. Never belittle the other person.
Do establish ground rules. State the consequences of violent or threatening behavior – loss of job, arrest.	Don't criticize or act impatient.
Do employ delaying tactics that give the person time to calm down. For example, offer a glass of water.	Don't attempt to bargain with a threatening individual.
Do be reassuring and point out choices.	Don't try to make the situation seem less serious than it is.
Do help the person break down big problems into smaller, more manageable, problems.	Don't make false statements or promises you cannot keep.
Do accept criticism. When a complaint might be true, use statements such as, “You're probably right” or “It was my fault.” If the criticism seems unwarranted, ask clarifying questions such as “Why is (the problem) unfair?”	Don't try to impart a lot of technical or complicated information when emotions are high.
Do arrange yourself so that your exit is not blocked. Never let a potentially violent person get between you and the door.	Don't take sides or agree with distortions.
Do make sure there are three (3) to six (6) feet between you and the other person.	Don't invade the individual's personal space.

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Incident Reporting

Any and all incidents of workplace violence shall be reported as soon as is reasonably possible. An investigation will be conducted promptly, using the Workplace Violence Investigation Checklist. All persons involved in any workplace violence incident will be required to complete a Workplace Violence Incident Report Form, and Workplace Violence Victim/Witness Form. This will ensure that all persons involved in the incident details what happened, when and where.

Post-Incident Procedures

Any and all aid will be given to anyone involved in a workplace violence incident. This includes, but is not limited to, transportation to a medical facility for treatment, “debriefing” to determine what triggered the event, and development of additional policies and procedures to abate the hazard(s) presented by the incident.

Additionally, the Town may:

1. Formally refer an employee for a psychiatric/psychological evaluation through the Town’s Employee Assistance Service.
2. Inspect persons and their property in our employ or doing business with the Town of North Elba.
3. Cooperate with outside law enforcement agencies.
4. Refer all persons to Employee Assistance Services for further counseling, as necessary.
5. Take any other actions deemed necessary and appropriate by the Town of North Elba.

Consequences for Violation of Policy

1. Violation of this policy may result in severe disciplinary action, including termination, at the sole discretion of the Town of North Elba.
2. In addition to any disciplinary action, the Town of North Elba may, in its sole discretion, refer the employee to treatment or counseling for violent behavior. Employees referred to such a program by the Town of North Elba must immediately cease any violent behavior, must consent to periodic reviews and must comply with all conditions of the treatment or counseling program and disciplinary action. After successful completion of all requirements of this section, the employee will again be subject to periodic reviews. Appropriate Town of North Elba representatives shall determine whether an employee referred to treatment or counseling because of workplace violence should be reassigned to another position.

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3. The Town of North Elba will promptly terminate any employee who is a repeat offender either while undergoing or after completing treatment or counseling, if such treatment or counseling is required by the Town of North Elba.
4. The Town of North Elba will promptly terminate any employee who possesses any weapon in the workplace.

Workplace Violence Prevention Training

The purpose of training is to educate all employees of the Town of North Elba on the potential for and dangers of workplace violence, and communicate the methods for dealing with situations as they arise.

Frequency

Training shall be given within a reasonable time frame when a new employee is hired, and on an annual basis for all employees.

Recordkeeping Requirements

A record shall be kept of each reported act of workplace violence. This will include from each employee, vendor, customer, or other individual conducting business with the Town of North Elba: a Workplace Violence Incident Report, a Workplace Violence Witness Form, medical and police reports as applicable, and a complete report of the investigation.

Closing Remarks

The Town of North Elba is committed to promoting a safe and secure work environment for all its employees and visitors. All Town employees (hourly, appointed, and elected) are expected to maintain a work environment free from violence, threats of harassment, intimidation, or coercion, including sexual harassment.

While these behaviors are not prevalent in the Town of North Elba's workplaces, no organization is immune. This manual has been developed to: address the issue of potential workplace violence; prevent workplace violence from occurring to the fullest extent possible; and set forth procedures to be followed when such violence has occurred.

The Town of North Elba requires all employees to report any incident of workplace violence, and to notify the appropriate individuals to help prevent workplace violence. Remember, we cannot make the Town of North Elba a safe and enjoyable place to work without your help.

Workplace Violence Investigation Checklist

Obtain a Description of the Incident / Claim:

- Use active listening. Ensure the employee provides full disclosure of the event / incident(s), and engage them in conversation. Avoid comments that deflect the seriousness of the charge.
- Acknowledge the difficulty associated with coming forward, and thank them for their candor.
- Maintain a professional attitude.
- Gather all pertinent facts, and avoid making any judgment.
- Contact your attorney if you think the matter could possibly lead to a claim.
- Obtain a written statement from the claimant.
- Ask who, what, when, where, why, and how.
- Determine the threat of retaliation, either real or perceived.
- Ask the employee how they would like to see the problem resolved, and contact the police to file charges where necessary.

Conduct an Investigation Into the Incident / Claim:

- Investigate immediately. Delaying or extending an investigation can cause witness testimony to become increasingly unreliable.
- Tread carefully: The manner in which the investigation is conducted may constitute grounds for a hostile environment claim.
- Diligent documentation of each step is required.
- Treat all claims seriously.
- Maintain confidentiality. Emphasize to those involved that your discussions are not to be shared with any unconcerned parties. Warn against the spread of rumors, slander, or hearsay. If necessary, do this in writing.
- Limit the number of persons who have access to the information. Communicate strictly on a "need to know" basis.
- The purpose of the investigation is to gather facts, not disseminate allegations. Avoid any leading questions that might compromise the investigation, and focus more on generalities.
- In the event that more than one allegation has been made, handle each one separately.
- To avoid defamation liability, never broadcast the facts of a given situation or the results as an example to others or as a training tool.

Interviewing the Complainant:

- Obtain specific details. Determine complainant wants and needs.
- Determine the existence of a pattern of previous episodes or similar behavior toward another employee, or if it was an isolated incident.
- Identify any contextual information wherein the conduct occurred. Where? What time?
- Determine the long and short-term effects of the conduct on the complainant. These may include economic, non-economic and/or psychological.
- Determine the relationship of time between the occurrence of the incident, its effect on the complainant, and the time when the complainant filed the report.
- Prepare a detailed time-line of events.
- Analyze the possibility that certain events may have triggered the complaint, i.e., promotion, pay or transfer denial.
- Determine whether or not there are any possible motives on the part of the complainant for filing the complaint.
- Explain the seriousness of a workplace violence / assault charge, and that you will conduct a thorough investigation before reaching any conclusion.
- Assure the complainant that he or she will not be retaliated against for making the complaint.
- Avoid making any statements about the accused employee's character, job performance, or family life.

Interview the Accused:

- Obtain a written and oral statement from the accused.
- Identify any existing relationship between the accused and the complainant.
- If the accused individual was a supervisor, indicate their job title, obtain a copy of their job description, and determine their specific duties at the time of the alleged violence.
- Determine whether the accused directed, or had responsibility for the work of other employees or the complainant, had authority to recommend employment decisions affecting others or was responsible for the maintenance or administration of the records of others.
- The accused individual will likely deny the charges. Carefully observe the reaction, noting any elements of surprise, anger, or disbelief. Describe the details of the allegation and note the areas of disagreement between the testimonies supplied by both parties. If the accused denies the allegations, determine with the background, rationale, and motivation that could possibly have triggered the complaint.

Interviewing Witnesses:

- Obtain statements from any witnesses that either support or deny any of the allegations made.
- Assure all witnesses that their cooperation is important, that their testimony is confidential and that they will not be retaliated against for testifying.

Resolve the Complaint:

- Apologize for the incident occurring (if appropriate).
- Help ensure that the complainant is not being illegally punished for reporting acts of workplace violence.
- The severity, frequency and pervasiveness of the conduct should be taken into consideration when imposing corrective action or discipline of the accused. There are several disciplinary options available, including:
 - oral and written warning
 - reprimand
 - suspension
 - probation
 - transfer
 - demotion
 - Termination of employment
 - Filing of charges with the police
- When imposing discipline on the accused, any forms of discipline short of discharge should be accompanied by a written warning that any reoccurrence of misconduct may result in immediate discharge. If no discipline is imposed, document the rationale.
- Re-communicate your policy on workplace violence, and provide counseling and training on workplace violence, if appropriate.
- Carefully and fully document the investigation, the discipline imposed, and any remedial or preventative steps taken.
- Conduct follow-up interviews with the parties to inform them of the actions taken.
- Review and update your workplace violence, harassment and discrimination policies, if appropriate.

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Workplace Violence Incident Report Form

As soon as is reasonably possible, victims and witnesses of workplace violence should document incidents by completing and filing this report. Please note not all questions may be applicable to your particular circumstance. Use additional sheets if needed.

Section I – Incident Information		Privacy Concern Case? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Date of Incident	Day of Week	Time AM PM	Date of Report
Location of Incident		Was there property damage? Briefly describe.	
Section II – Victim Information			
Name:	Home Phone:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	
Home Address:	Cell Phone: Work Phone:	Is victim a Union Member? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Victim Description <input type="checkbox"/> Staff <input type="checkbox"/> Vendor <input type="checkbox"/> Customer <input type="checkbox"/> Other (explain):	If victim is a staff member: Department: Supervisor:	Supervisor Notified? <input type="checkbox"/> Yes <input type="checkbox"/> No Date: _____ Time: _____	
Section III – Assailant Information			
Name:	Home Phone:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	
Home Address:	Cell Phone: Work Phone:	Additional Information:	
Relationship of Assailant to Victim <input type="checkbox"/> Co-worker/Supervisor <input type="checkbox"/> Spouse/Partner/Family Member <input type="checkbox"/> Customer <input type="checkbox"/> Other (describe)	Did incident include a weapon? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe the weapon: How was it used?		
	Is assailant a Union Member? <input type="checkbox"/> Yes <input type="checkbox"/> No		

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Section IV – Incident Description

Check **ALL** that apply and use the Workplace Violence Incident Report Victim/Witness Account Form to describe the incident in detail.

<input type="checkbox"/> Animal attack	<input type="checkbox"/> Harassed verbally	<input type="checkbox"/> Slapped
<input type="checkbox"/> Arson	<input type="checkbox"/> Harassed in writing	<input type="checkbox"/> Stabbed (or attempted)
<input type="checkbox"/> Assaulted sexually	<input type="checkbox"/> Hit with object	<input type="checkbox"/> Stalked
<input type="checkbox"/> Assaulted with weapon	<input type="checkbox"/> Kicked	<input type="checkbox"/> Threatened verbally
<input type="checkbox"/> Bitten	<input type="checkbox"/> Pushed	<input type="checkbox"/> Vandalism (employer's property)
<input type="checkbox"/> Bomb threat	<input type="checkbox"/> Robbery	<input type="checkbox"/> Vandalism (other's property)
<input type="checkbox"/> Grabbed	<input type="checkbox"/> Scratched	<input type="checkbox"/> Vandalism (own property)
<input type="checkbox"/> Hit with hand/fist/other body part	<input type="checkbox"/> Shot (or attempted)	<input type="checkbox"/> Other (describe)

Section V – Injuries

	Victim	Assailant
Was individual injured?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, describe:		
Was injury report filed?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Was medical treatment provided?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, describe:		
Referred for counseling?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section VI – Witnesses

List of witnesses (attach witness reports)

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Section VII – Prevention

Measures taken to prevent recurrence

Section VIII – Remedy

What remedy, if any, does the victim request?

Section IX – Disposition

What happened to assailant? Describe specifically (arrested, discipline, transferred, etc.).

Section X – Information

Name of person completing this form:

Work Address:

Date:

Work phone:

Relationship to victim or assailant:

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Workplace Violence Incident Report Victim/Witness Account Form

Complete this Form if you are the victim of or witness to the alleged workplace violence.

Date of Incident	Name Victim <input type="checkbox"/> Witness <input type="checkbox"/>	Date of Report
Location of Incident	Witness Address	Witness Phone Numbers
Describe incident in detail. Include what happened, where, who was involved, what you heard, saw, etc.		
List names of other witnesses.		
Signature of Witness		Date
Name & Title of Person Receiving Witness Statement		Date