

## **VILLAGE OF CLAYTON**

### **WORKPLACE VIOLENCE PREVENTION PROGRAM**

**Adopted by the Village Board of the Village of Clayton, NY on April 8, 2019**

#### **POLICY STATEMENT**

The Village of Clayton is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients.

Workplace Violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Acts of violence against any of our employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients and visitors, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of New York State Labor Law Art. 2 §27-b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that is designed to identify the risks of workplace violence to which our employees could be exposed. Authorized Employee Representative(s) will, at a minimum, be involved in:

- evaluating the physical environment;
- developing the Workplace Violence Prevention Program; and
- reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees will participate in the annual Workplace Violence Prevention Training Program. The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. All personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated contact person for all DPW employees is the DPW Superintendent.

Office – 315-686-3631      Cell – 315-778-8238

Designated contact person for all other Village of Clayton employees is the Village Mayor.

Office – 315-686-5552      Cell – 315-777-7135

This policy is to be distributed to all village employees and a signed confirmation statement collected by each department head. Signed confirmation statements are to be stored in employee's personnel files. A copy of this policy shall be posted in each village workplace and will become a part of the Employee Handbook.

## **APPLICABILITY**

This program applies to all employees including full-time and part-time employees with permanent, probationary, trainee, seasonal, or temporary appointments. This program applies to the conduct of an employee while functioning in the course and scope of employment as well as off-duty violent conduct that has a potential adverse impact on an employee's ability to perform the assigned duties and responsibilities. This program also applies to the conduct of former employees, visitors, and strangers toward Village employees while on Village property.

## **DEFINITIONS**

Workplace violence can include, but is not limited to, the following:

- An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee.
- Any intentional display of force which would give an employee reason to fear or expect bodily harm.
- Intentional and wrongful physical contact with a person without his or her consent that entails some injury.
- Stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

**Intimidation** - Engaging in actions that include but are not limited to stalking or behavior intended to frighten, coerce, or induce duress.

**Threat** - The expression of intent to cause physical or mental harm. Such expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.

**Physical Attack** - Unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.

**Domestic Violence** - The use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are currently married, live together, or date or those who have formerly been married, lived together, or dated.

**Property Damage** - Intentional damage to property and includes property owned by employees, visitors or vendors.

## **ANNUAL RISK EVALUATION / WORKPLACE EXAMINATION**

The Village must conduct initial and subsequent annual risk evaluations of each Village facility. Risk factors identified during this evaluation shall be maintained. The annual risk evaluation shall include the following:

**Annual Examination of Records** – Once each year, the Village designated contact person must examine any records relevant or related to any workplace violence incident. This review is intended to identify any patterns in the locations, types and causes of incidents and injuries. Examples of records to examine can include:

- Injury and Illness Incident Reports
- Log and Summary of Work-Related Injuries and Illnesses (Form SH900 & SH900.1)
- Workers' Compensation Reports
- Workplace Violence Incident Reports
- Personnel Disciplinary Reports

**Administrative Risk Factors** – Once each year, the Village designated contact person must assess any relevant policies, work practices and work procedures that may impact the risk of workplace violence. Examples of items to assess include:

- Non-Harassment, Discrimination and Retaliation Policy
- General Village Safety Rules, Policies and Procedures
- Work practices requiring work in public settings, including exchanging money with the public, working alone or in small numbers, and working with potentially violent people

**Evaluation of Physical Environment** – Once each year, Village Department Heads, along with the participation of authorized employee representatives (Union Representatives), will evaluate all Village workplaces to determine the presence of factors which may place employees at risk of workplace violence. Factors that have a potential to place employees at risk can include the following:

- Working late night or early morning hours
- Exchanging money
- Working alone or in small numbers
- Working in a location with uncontrolled public access to the workplace
- Areas that have experienced previous security problems or violence
- Exposure to potentially violent persons; and
- Having a mobile workplace assignment.

## **METHODS TO PREVENT WORKPLACE VIOLENCE**

Based upon the findings of the workplace evaluations the Village will identify, document and implement methods to prevent workplace violence. The methods and actions taken to prevent workplace violence shall be documented. Examples of such methods may include the following:

- Following the Village's workplace violence prevention program
- Enforcing existing workplace rules
- Providing annual training to increase employee awareness of the signs and/or effects of workplace violence and the importance of reporting workplace violence
- Modifications to a facility's lighting, and access
- Using drop safes or other methods to minimize cash on hand
- Posting signs stating that limited cash is on hand; and
- Providing training in conflict resolution and non-violent self-defense responses where requested

In situations where the hazard cannot be completely eliminated, the Village must use control measures to reduce the risk to employees. When implementing methods to prevent workplace violence the following hierarchy of controls shall be followed:

•**Engineering Controls** – Reduce the hazard through a design change. An example of an engineering control would be the installation of a physical barrier to protect employees from a member of the public (windows, deep counters, etc.). Engineering controls are not always feasible. If engineering controls are not feasible, the employer must then consider other work practice controls.

•**Substitution** – Reduce the hazard by substituting one process or activity with another that has less exposure to potential workplace violence. An example could be to relocate a Village service provided at one location (that presents a risk for workplace violence) to another more secure location.

•**Work Practice / Administrative Controls** - Work Practice Controls reduce the hazard by changing organizational policies and procedures. An example of a work practice control would be requiring check-in procedures and/or itineraries to account for employees who work alone and are not under the direct supervision of management. Training is also considered to be an administrative type control.

•**Personal Protective Equipment** - While not typically relevant to many workplace situations, such equipment can include ballistic body armor for law enforcement personnel.

## **REPORTING SYSTEM AND RESPONSIBILITIES**

All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, visitors and strangers. Employees shall report in writing all workplace violence incidents, including acts of violence, threats of violence, and any other violation of this policy. Employees shall submit the attached *Workplace Violence Incident Report Form* as soon as practicable to their Department Head (or directly to the designated contact person if the incident involves the Department Head). The Department Head will then submit the form to the designated contact person.

If the case is a privacy concern case, the name of the employee who was the victim of the workplace violence should be removed from the Workplace Violence Incident Report or other documentation and replaced with "PRIVACY CONCERN CASE" in the space normally used for the employee's name.

Privacy concern cases include cases involving:

- Injury or illness to an intimate body part or the reproductive system
- Injury or illness resulting from a sexual assault
- Mental illness
- HIV infection
- Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material; and
- Other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the report.

All reports of violence will be handled in a confidential manner as much as possible, with information released only on a need-to-know basis. Management shall be sensitive and responsive to the reporting employees' fear of reprisal.

## **TRAINING**

All employees will participate in the annual Workplace Violence Prevention Training Program. All newly hired employees will be trained on this program as part of their new employee orientation.

The training shall review this program and shall cover the following:

- The requirements of the workplace violence regulations and the risk factors that were identified in the risk evaluation and determination
- Measures that employees can take to protect themselves from the identified risks including specific procedures that the Village has implemented to protect employees, such as incident alert and notification procedures, appropriate work practices, emergency procedures and the use of security alarms and other devices
- The location of the written workplace violence prevention program and how to obtain a copy
- Examples of prohibited actions; and
- How to report workplace violence.

## **PROHIBITED ACTIONS AND SANCTIONS**

It is a violation of this program to:

- Engage in workplace violence as defined above
- Engage in intimidation, threats, physical attacks, domestic violence, or property damage in violation of this policy
- Possess, use, or threaten to use a weapon or firearm (Note: Law enforcement officers are governed by policies and procedures of the Village Police Department regarding the possession and use of authorized weapons. Court Officers are governed by the Court regarding the possession and use of authorized weapons.)
- Misuse of authority vested to any employee of the Village in such a way that violates this policy

A violation of this policy shall be considered unacceptable conduct and subject the violator to disciplinary action, up to and including termination. An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including termination, if it is determined by the Village that there exists a rational nexus between the type of violent conduct committed and the potential adverse impact on an employee's ability to perform the assigned duties and responsibilities.

### **SUPPORT**

The Village shall make efforts to support and protect victims of workplace violence by offering available security measures and / or reviewing security measures with victims. Victims may request adjustments to their work schedule, location, or working conditions in order to enhance their safety. The Village will review such requests as appropriate. The Village shall work closely with victims to ensure that both the needs of the victims and the Village are addressed.

### **RETALIATION**

The Village shall take no retaliatory action against any employee because the employee exercises any right accorded him or her by the New York State Workplace Violence Prevention Regulation. This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy.

### **CONFIDENTIALITY**

Although confidentiality cannot be guaranteed, every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

### **CONFIDENTIAL INFORMATION**

This program does not require the disclosure of information that is otherwise kept confidential for security reasons. This may include information which, if disclosed:

- Would interfere with law enforcement investigations or judicial proceedings
- Would deprive a person of a right to a fair or impartial adjudication
- Would identify a confidential source or disclose confidential information relating to a criminal investigation
- Would reveal criminal investigative techniques or procedures, except for routine techniques and Procedures; and/or
- Would endanger the life or safety of any person.

### **AUTHORIZED EMPLOYEE REPRESENTATIVES (UNION REPRESENTATIVES)**

The authorized employee representatives (Union Representatives) will, at a minimum, be involved in the following:

- Evaluating the physical environment
- Developing the Workplace Violence Prevention Program
- Reviewing workplace violence incidents at least annually to identify trends in the types of incidents Reported; and
- Reviewing the effectiveness of the mitigating actions taken.

### **ANNUAL PROGRAM REVIEW**

The Village of Clayton, with the Authorized Employee Representative, shall evaluate the effectiveness of this Workplace Violence Prevention Program, at least annually or after any serious incident. The review will focus on incident trends, addressing root cause, and the effectiveness of the control measures in the place or the need to make changes. The review will also assess whether the reporting and record keeping systems have been effective in collecting all relevant information. Annual risk evaluation and assessment will be performed using forms provided by the Department of Labor and kept on file with the program. The cover sheet of this program will be updated with the names and title of those who perform the review and the date of completion.

### **EMPLOYEE COMPLAINTS TO THE COMMISSIONER OF LABOR**

Employees should be aware that complaint procedures under the workplace violence regulation are different than those under the Public Employee Safety and Health (PESH) Act. Any employee, or his/ her authorized employee representative, who believes that a violation of the employer's workplace violence prevention program exists, or that workplace violence imminent danger exists, shall report such matter in accordance with the *Reporting System and Responsibilities* section of this program. The employer shall be afforded a reasonable opportunity to correct such activity, policy, or practice.

Written notice to an employer is not required where workplace violence imminent danger exists to the safety of a specific employee and the employee reasonably believes in good faith that reporting the matter would not result in corrective action.

If, after notifying the employer and giving the employer a reasonable opportunity to correct the situation, the employee or the authorized employee representative still believes that a serious violation of a workplace violence prevention program remains or that imminent danger exists, such employee may request an inspection by notifying the Commissioner of Labor at the New York State Department of Labor. Such notice and request shall be in writing, shall set forth with reasonable particularity the ground(s) for the notice and shall be signed by such employee or their authorized employee representative.