



# **TOWN OF MARCY**

## ***Workplace Violence Prevention Program and Procedures Manual***

## Overview

# Workplace Violence Prevention Manual

### ***Introduction***

Workplace violence presents a serious occupational safety hazard for Workers. On June 7, 2006, New York State enacted legislation that requires Public employers (other than schools covered under the school safety plan requirements of the education law) to perform a risk evaluation of its workplaces and develop and implement programs to prevent and minimize workplace assaults and homicides. All Towns must be in full compliance by August 28, 2009.

### ***Purpose***

The purpose of this **Workplace Violence Prevention Program and Procedures Manual** is to provide information to elected officials, department heads, supervisors, and employees about preventing and responding to incidents of workplace violence or threats of violence and the “New York State Public Employer Workplace Violence Prevention Law.”

The goals of the program and manual are:

1. To reduce the probability of threats or acts of violence in the workplace, and
2. To ensure that any incident, complaint, or report of violence is taken seriously and dealt with appropriately.

This manual outlines the major components of the effort to meet these goals: Program, procedures, workplace security risk evaluation, prevention, training, and other support services.

### ***Access to this manual***

The **Workplace Violence Prevention Program and Procedures Manual** can be downloaded from the Town of Marcy website: [www.townofmarcy.org](http://www.townofmarcy.org).

# Town of Marcy Workplace Violence Prevention Program

The Town of Marcy will not tolerate violence in the workplace. All incidents, complaints, and/or reports of behavior will be taken seriously because the Town of Marcy is committed to providing its employees with a reasonably safe and secure work environment.

## **Purpose of Program**

Violence in the workplace is a leading cause of fatal and non-fatal occupational injury throughout the U.S. that may affect an organization at any time. The purpose of this program is 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.

## **Statement of Program**

Violence, threats of violence, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated by the Town of Marcy. Examples of disruptive behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of harm. Such behavior will be taken seriously and will be dealt with appropriately.

## **Scope of Program**

All Town of Marcy employees are required to comply with this Program. In addition, since visitors of Town of Marcy owned property and facilities are required to conduct themselves in a nonviolent manner in conformity with existing law, employees who observe or experience visitors of Town owned property engaging in violent behavior should follow the procedures in this Executive Order for the reporting such behavior.

## **Application of Program**

Violence and other disruptive behavior by or against any employee of Town of Marcy or member of the public in a Town designated workplace is unacceptable. A Town designated workplace includes offices, work sites, vehicles, field locations, and any other location where Town business is conducted. Individuals who commit such acts may be removed from the premises and may be subject to appropriate disciplinary action, including, where legally appropriate, termination of employment and/or criminal penalties.

## **Training**

All Department Heads shall ensure that employees of their particular department are informed of the requirements of the law, the risk factors in their workplace, and the location of the written workplace violence prevention program. Training is also required for employees on the measures employees can take to protect themselves from risks and the details of the written workplace violence prevention program. Employee workplace violence training is to be provided at the time of job assignment and annually thereafter.

## **Reporting of Violence**

At the core of this Workplace ***Violence Prevention Program*** is the Town's commitment to work with its employees to maintain a work environment free from violence and other disruptive behavior to the greatest degree possible.

- Any Town employee, upon becoming aware of an instance of physical assault, threatening behavior or verbal abuse occurring in the work setting, must immediately report the facts and circumstances of said incident to their Supervisor. In the event that employees observe or experience violent behavior from Town employees or visitors of Town owned property in which there is an immediate threat to their safety or the safety of others or where an injury has occurred, the employee should immediately obtain police and medical assistance and in addition notify their supervisor.
- The Supervisor will immediately conduct a preliminary inquiry into the facts and circumstances of the incident and make a prompt report to the Department Head/Town Board

- The Department Head/Town Board will determine if there is:

a) An immediate threat of violence. If so, the Department Head/ Town Board will ensure that local or County or State police and emergency medical personnel have been notified and thereafter follow the procedures outlined in subparagraph (b) or (c) below.

b) Serious misconduct or criminal behavior by Town employee. If so, the Department Head shall immediately notify the Town Supervisor at 724-1565 and the Attorney for the Town at 724-2147 and take no further action.

c) No immediate threat of violence and no serious misconduct or criminal behavior by a Town employee. In that event, the Department Head/ Town Board will:

- Continue the investigation;
- Resolve/mediate matter;
- Initiate disciplinary action, if appropriate;

**NOTE: In all instances, a written summary report of the incident and all actions taken will be prepared and submitted within three business days to the Town Board and the Attorney for the Town.**

Retaliation against an employee who makes a good faith report of violence or other disruptive behavior is strictly prohibited and shall be subject to appropriate corrective or disciplinary measures. An employee, who, in bad faith makes a false report, is also subject to disciplinary action.

# New York State Workplace Violence Prevention Law

## ***Introduction***

The “New York State Public Employer Workplace Violence Prevention Law” was enacted on June 7, 2006 to ensure that public employers evaluate their workplaces and develop and implement effective response and prevention strategies to prevent and minimize workplace violence.

## ***Requirements of the law***

Employers must evaluate their workplace or workplaces for factors or situations that may increase the risk of occupational violence. Examples of such factors include working in public settings, working alone or in small numbers, and working late night or early morning hours. The next section of this manual, “Workplace Risk Evaluation,” identifies the results of The Town of Marcy’s workplace risk evaluation.

In addition, employers with at least 20 full time permanent employees must develop and implement a written workplace violence prevention program. The written program must identify the risk factors identified in the workplace risk evaluation and the methods the employer will use to prevent incidents of violence in the workplace.

Finally, the law requires employers to inform employees of the requirements of the law, the risk factors in their workplace, and the location of the written workplace violence prevention program. Training is also required for employees on the measures employees can take to protect themselves from risks and the details of the written workplace violence prevention program. Employee workplace violence training must be provided at the time of job assignment and annually thereafter. All Department Heads shall ensure that this required training is provided in accordance with the law.

## ***Application of the law***

“Any employee or representative of employees who believes that a serious violation of a workplace violence protection program exists or that an Imminent danger exists shall bring such matter to the attention of a Supervisor in the form of a written notice and shall afford the employer a reasonable opportunity to correct such activity, policy, or practice. This referral shall not apply where imminent danger or threat exists to the safety of a specific employee or to the general health of a specific patient and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.” (NYS Labor Law Section 27-b (6)(a))

“If following a referral of such matter to the employee 's Supervisor 's attention and after a reasonable opportunity to correct such activity, policy or practice the matter has not been resolved and the employee or representative of employees still believes that a violation of a workplace violence prevention program remains, or that an imminent danger exists, such employee or representative of employees may request an inspection by giving notice to the Commissioner of Labor of the State of New York of such violation or danger. Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or representative of employees, and a copy shall be provided by the Commissioner to the employer or the person in charge no later than the time of inspection, except that on the request of the person giving such notice, such person 's name and the names of individual employees or representatives of employees shall be withheld. Such inspection shall be made forthwith.” (NYS Labor Law Section 27-b (6)(b))

***Further information***

See Appendix A for the full text of the “NYS Public Employer Workplace Violence Prevention Law”, NYS Labor Law Section 27-b.

# Workplace Risk Evaluation

## ***Introduction***

Certain factors or situations may place employees at a greater risk of workplace violence. This workplace risk evaluation is based upon surveys of Town owned, leased, and operated facilities conducted by the Town of Marcy Department Heads and reviews of occupational injury and illness logs and incident reports for violence-related injuries.

## ***Risk Evaluation***

Workplace violence can occur in any work place setting. However, some settings or factors may pose a greater degree of workplace violence risk. Employment situations or factors that may pose higher risks for Town of Marcy employees include, but are not limited to:

- Working in public settings
- Working late night or early morning hours
- Exchanging money with the public
- Working alone or in small numbers
- Working in a setting with uncontrolled access to the workplace
- Working in a setting where previous security problems have occurred
- Having a mobile workplace assignment
- Working with a population which might expose one to potentially violent persons (e.g. in health care, social service, or criminal justice settings)
- Having duties that include the delivery of passengers, goods, or services.

# Prevention

## ***Introduction***

Prevention is the responsibility of every employee. This section focuses on some measures to reduce the risk of violent behavior. Supervisors and Department Heads, as well as employees, should be familiar with and knowledgeable of the issues below before violence occurs.

## ***Definitions and Prevalence of Violence***

As noted in the Town of Marcy ***Workplace Violence Prevention Program***, Workplace violence is defined to include violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Two million American workers are victims of workplace violence annually. Workplace violence is the fourth leading cause of fatality in the workplace for all workers; it was the cause of 564 deaths in 2005. Finally, a survey in 2005 found approximately 54% of local government employers with more than 1,000 employees reported an incident of workplace violence within the last 12 months.<sup>2</sup>

In reviewing this data, it appears clear that workplace violence is a potential problem in the modern workplace, and one that requires a multifaceted approach by the employer and employees providing support to mitigate the occurrences and effects of violence in the workplace.

## ***Early Warning Signs of Potential Violence***

Past behavior has generally been the best predictor of future behavior. There is no specific “profile” of a potentially dangerous individual. Acts of violence may also occur in the workplace due to issues of domestic violence. Sometimes victims and witnesses recount acts of violence that occurred without warning. However, certain patterns of behavior and events frequently precede episodes of violence.

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<sup>1</sup> Occupational Safety and Health Administration. (2002) “OSHA Fact Sheet: Workplace Violence.”

<sup>2</sup> Bureau of Labor Statistics. (2005) “Census of Fatal Occupational Injuries” and “Survey of Workplace Violence Prevention.”

A list of indicators of increased risk of violent behavior may include:

- Direct or veiled threats of harm
- Intimidation, belligerence, bullying or other inappropriate behavior directed at others
- Numerous conflicts with supervisors and employees; verbal comments indicating expressions of hostility directed at coworkers, supervisors, or others
- Bringing an unauthorized weapon to work, brandishing a weapon in the workplace, making inappropriate reference to guns or fascination with weapons
- Fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides
- Statements indicating an increased tone of desperation from the person, feeling that normal interventions to solve the problem will not work, feeling hopeless about a situation at work, with family, financial, and other personal problems
- Signs of abuse of drugs/alcohol on or off the job
- Extreme or uncharacteristic changes in behavior or displays of emotion
- Employees with on going domestic difficulties
- Employees with a temporary order of protection against any respondent

These behaviors should be reported to an employee's Supervisor, Departmental Head or Town Board. The Town Board is available to assist Supervisors and Department Heads in dealing with such behavior. Some behaviors may require security intervention, others may require disciplinary action.

Sometimes, small behavior problems, which can precede the above behaviors, are dismissed or ignored, allowing problems to fester. In the employee's mind, the situation can become more intense. It is important to remember the employee must be treated with dignity, mutual respect and fairness in this process. Some of these types of behavior are listed below.

- Withdrawal from friends, coworkers, and/or one's social circle
- Reduced productivity
- Unexplained absence from work area or marked increase in tardiness and/or absenteeism
- Noticeable deterioration of personal hygiene and appearance

## ***Common Issues That May Trigger Workplace Violence***

Listed below are two categories of common issues that may trigger workplace violence.

### 1. Employee issues

- Negative performance review
- Unwelcome change in role due to performance or reorganization issue
- Criticism of performance
- Conflict with coworker or supervisor
- Personal stress outside the workplace
- Increased workload or pressure, e.g. deadlines, projects, etc.

### 2. Workplace issues (any of the following may be an employee's perception Of issues)

- No clearly defined rules of conduct
- Lack of training
- inadequate hiring practices/screening of potential employees
- Insufficient supervision
- Lack of discipline or inconsistent discipline in workplace
- Lack of or inadequate employee support systems
- Failure to address incidents as they occur
- Overly authoritarian management style

Taking this into account, there are three key elements that may help to Prevent a violent situation from occurring:

1. Recognizing the early warning signs (such as a change in a person's behavior preceding an episode of violence)
2. Recognizing issues or events that may trigger violence
3. Early intervention to prevent a violent incident from occurring

### ***Please note***

It is important to be careful when drawing assumptions or relying solely on any of the above behaviors as indicators of violence.

# Response Procedures

## ***Introduction***

The following procedures are recommended to be followed whenever an employee files a complaint alleging a violation of the Town of Marcy **Workplace Violence Program** has occurred or when a violent incident occurs.

## ***Emergency and Non-emergency (threatening) Situations***

A “threatening situation” is a situation where one person, through intimidating words or gestures has induced fear and apprehension of physical or other harm in another person but there is no immediate danger of such harm being inflicted. The steps listed under the “Non-Emergency (threatening) Response Procedure” are recommended to be followed whenever a threatening situation occurs.

A situation is an “emergency” if an injury has occurred or there is an immediate threat of physical harm. Individuals should always consider their personal safety first in all emergency situations. If possible, the “Emergency Response Procedure” should be followed whenever an emergency occurs.

## ***Focus Group Assessment Team***

The Focus Group Assessment Team (FGAT) will perform annual reviews of the Town’s workplace violence program and procedures to determine the need for revisions and updates to the County’s program and procedures. Team members are to include representatives from Justice, Public Admin (Sewers/Codes), Highway, Sanitation, Town Clerk and General Administration. Representatives from these departments should be made available by their department heads for FGAT participation.

## **Response Procedures**

<p><b>Non-Emergency (threatening) Response Procedure</b></p> <p><i>A threatening situation is defined as a situation where:</i></p> <p>One person, through intimidation words or gestures has induced fear and apprehension of physical or other harm in another person but there is no immediate danger of such harm being inflicted.</p>	<p><b>Emergency Response Procedure</b></p> <p><i>A situation is an emergency if:</i></p> <p>1) An injury has occurred 2) There is an immediate threat of physical harm</p> <p><b><i>You should consider your personal safety first in all emergency situations. If possible, you should use the following response procedure.</i></b></p>
<p><b>Step 1</b></p> <p>Employee immediately notifies Supervisor.</p>	<p><b>Step 1</b></p> <p>First person on the scene quickly Assesses the situation and risk.</p>
<p><b>Step 2</b></p> <p>Supervisor conducts preliminary inquiry and makes prompt report to Department Head.</p>	<p><b>Step 2</b></p> <p>First person on the scene calls for security/medical assistance and ensures needs of injured are met. Employee must also immediately notify supervisor of the situation.</p>
<p><b>Step 3</b></p> <p>If there has been serious misconduct or criminal behavior by a Town employee, the Department Head will contact Town Supervisor and take no further action.</p>	<p><b>Step 3</b></p> <p>Supervisor will immediately assess whether there is an emergency situation and make prompt report to Department Head.</p>
<p><b>OR Step 3-a</b></p> <p>If there is no immediate threat of violence and no serious misconduct or criminal behavior by a Town employee the Department Head/Town Board will continue investigation, resolve/mediate matter and initiate disciplinary action.</p>	<p><b>Step 4</b></p> <p>The Department Head/Town Board is an emergency situation where there is an immediate threat of violence, will ensure the County or State police and medical personnel have been notified.</p>
<p><b>Step 4</b></p> <p>Department Head ensures that a written summary report of the incident and all actions taken is prepared and submitted within three business days to Town Board and Attorney to the Town.</p>	<p><b>Step 5</b></p> <p>Proceed with Non-Emergency Response Procedures, Steps 3-5</p>
<p><b>Step 5</b></p> <p>If emergency situation develops, follow steps for emergency response procedure.</p>	

# Appendix A: “New York State Public Employer Workplace Violence Prevention Law”

## **Labor Law Article 2**

- § 27-b. Duty of public employers to develop and implement programs to prevent workplace violence.

1. Purpose. The purpose of this section is to ensure that the risk of workplace assaults and homicides is evaluated by affected public employers and their employees and that such employers design and implement workplace violence protection programs to prevent and minimize the hazard of workplace violence to public employees.

2. Definitions. For the purposes of this section:

a. "Employer " means: (1) the state; (2) a political subdivision of the state, provided, however that this subdivision shall not mean any employer as defined in section twenty-eight hundred one-a of the education law and (3) a public authority, a public benefit corporation, or any other governmental agency or instrumentality thereof.

b. "Employee " means a public employee working for an employer.

c. "Workplace " means any location away from an employee 's domicile, permanent or temporary, where an employee performs any work related duty in the course of his or her employment by an employer.

d. "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.

e. "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.

3. Risk evaluation and determination. Every employer shall evaluate its workplace or workplaces to determine the presence of factors or situations in such workplace or workplaces that might place employees at risk of occupational assaults and homicides. Examples of such factors shall include, but not limited to:

a. Working in public settings (e.g., social services or other governmental workers, police officers, firefighters, teachers, public transportation drivers, health care workers, and service workers)

b. Working late night or early morning hours

c. Exchanging money with the public

d. Working alone or in small numbers

e. Uncontrolled access to the workplace and

f. Areas of previous security problems.

4. Written workplace violence prevention program. Every employer with at least twenty full time permanent employees shall develop and implement a written workplace violence prevention program for its workplace or workplaces that includes the following:

a. A lists of the risk factors identified in subdivision three of this section that are present in such workplace or workplaces

b. The methods the employer will use to prevent incidents of occupational assaults and homicides at such workplace or workplaces, including but not limited to the following:

- (1) Making high-risk areas more visible to more people
- (2) Installing good external lighting
- (3) Using drop safes or other methods to minimize cash on hand
- (4) Posting signs stating that limited cash is on hand
- (5) Providing training in conflict resolution and nonviolent self-defense responses and
- (6) Establishing and implementing reporting systems for incidents of aggressive behavior.

5. Employee information and training.

a. Every employer with at least twenty permanent full time employees shall make the written workplace violence prevention program available, upon request, to its employees, their designated representatives and the department.

b. Every employer shall provide its employees with the following information and training on the risks of occupational assaults and homicides in their workplace or workplaces at the time of their initial assignment and annually thereafter:

(1) Employees shall be informed of the requirements of this section, the risk factors in Their workplace or workplaces, and the location and availability of the written workplace Violence prevention program required by this section; and

(2) Employee training shall include at least: (a) the measures employees can take to Protect themselves from such risks, including specific procedures the employer has Implemented to protect employees, such as appropriate work practices, emergency Procedures, use of security alarms and other devices, and (b) the details of the written Workplace Violence Prevention Program developed by the employer.

6. Application.

a. Any employee or representative of employees who believes that a serious violation of a workplace violence protection program exists or that an imminent danger exists shall bring such matter to the attention of a supervisor in the form of a written notice and shall afford the employer a reasonable opportunity to correct such activity, policy or practice. This referral shall not apply where imminent danger or threat exists to the safety of a specific employee or to the general health of a specific patient and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.

b. If following a referral of such matter to the employee 's supervisor 's attention and after a reasonable opportunity to correct such activity, policy or practice the matter has not been resolved and the employee or representative of employees still believes that a violation of a workplace violence prevention program remains, or that an imminent danger exists, such employee or representative of employees may request an inspection by giving notice to the commissioner of such violation or danger. Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or representative of employees, and a copy shall be provided by the commissioner to the employer or the person in charge no later than the time of inspection, except that on the request of the person giving such notice, such person 's name and the names of individual employees or representatives of employees shall be withheld. Such inspection shall be made forthwith.

c. A representative of the employer and an authorized employee representative shall be given the opportunity to accompany the commissioner during an inspection for the purpose of aiding such inspection. Where there is no authorized employee representative, the Commissioner shall consult with a reasonable number of employees concerning matters of safety in the workplace.

d. The authority of the commissioner to inspect premises pursuant to such an employee complaint shall not be limited to the alleged violation contained in such complaint. The Commissioner may inspect any other area of the premises in which he or she has reason to believe that a serious violation of this section exists.

e. No employer shall take retaliatory action against any employee because the employee does any of the following:

- (1) Makes an application pursuant to paragraph a of this subdivision
  - (2) Requests an inspection as authorized in paragraph b of this subdivision
  - (3) Accompanies the commissioner as authorized in paragraph c of this subdivision
- f. The commissioner may, upon his or her own initiative, conduct an inspection of any Premises occupied by an employer if he or she has reason to believe that a violation of this section has occurred or if he or she has a general administrative plan for the enforcement of this section, including a general schedule of inspections, which provide a rational administrative basis for such inspecting. Within one hundred twenty days of the effective date of this paragraph the commissioner shall adopt rules and regulations implementing the provisions of this section.
- g. Any information obtained by the commissioner pursuant to this subdivision shall be obtained with a minimum burden upon the employers.
- h. When a request for an inspection has been made in a situation where there is an allegation of an imminent danger such that an employee would be subjecting himself or herself to serious injury or death because of the hazardous condition in the workplace, the inspection shall be given the highest priority by the department and shall be carried out immediately.

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