

## **§ AR-27.2 Workplace Violence Prevention Program Policy**

**A. PURPOSE:** The City of Ogdensburg has a policy of zero tolerance for violence. Nothing is more important to the City of Ogdensburg than the safety and security of its employees. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on City property and at events will not be tolerated.

**B. POLICY:** Violent behavior of any kind or threats of violence, either implied or direct, are prohibited in City of Ogdensburg buildings and properties, or while engaged in activities for City of Ogdensburg in other locations, or at City of Ogdensburg sponsored events. Such conduct by a City of Ogdensburg employee will not be tolerated. An employee who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including dismissal. Violent threats or actions by a non-employee may result in criminal prosecution. City of Ogdensburg will investigate all complaints filed and will also investigate any possible violation of this policy of which we are made aware. Retaliation against a person who makes a complaint regarding violent behavior or threats of violence made to him/her is also prohibited.

### **C. DEFINITIONS:**

(1) **Workplace Violence:** Behavior in which an employee, former employee or visitor to a workplace inflicts or threatens to inflict damage to property, serious harm, injury or death to others at the workplace.

(2) **Threat:** The implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.

(3) **Intimidation:** Making others afraid or fearful through threatening behavior.

(4) **Zero-tolerance:** A standard that establishes that any behavior, implied or actual, that violates the policy will not be tolerated.

(5) **Court Order:** An order by a Court that specifies and/or restricts the behavior of an individual. Court Orders may be issued in matters involving domestic violence, stalking or harassment, among other types of protective orders, including Temporary Restraining Orders and Orders of Protection.

(6) **Deadly weapon:** Any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles.

(7) **Dangerous instrument:** Any instrument, article or substance, including a "vehicle" as that term is defined in this section, which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury.

**D. PROHIBITED BEHAVIOR:** Violence in the workplace may include, but is not limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor or member of the public:

1. Direct threats or physical intimidation.
2. Implications or suggestions of violence.
3. Stalking.

4. Possession of deadly weapons in City of Ogdensburg buildings, or while engaged in activities for City of Ogdensburg in other locations, or at City of Ogdensburg sponsored events, unless such possession or use is a requirement of the job.
5. Use of any instrument to threaten or to cause personal injury.
6. Assault of any form.
7. Physical restraint, confinement.
8. Dangerous or threatening horseplay.
9. Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment.
10. Blatant or intentional disregard for the safety or well-being of others.
11. Commission of a violent felony or misdemeanor on City of Ogdensburg property.
12. Any other act that a reasonable person would perceive as constituting a threat of violence.

E. DOMESTIC VIOLENCE: Domestic Violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers. For the purposes of this document, “domestic violence” is defined as abuse committed against an adult or fully emancipated minor. Abuse is the intentional reckless attempt to cause bodily injury, sexual assault, threatening behavior, harassment, or stalking, or making annoying phone calls to a person who is in any of the following relationships:

- Spouse or former spouse;
- Domestic partner or former domestic partner;
- Cohabitant or former cohabitant and or other household members;
- A person with whom the victim is having, or has had, a dating or engagement relationship;
- A person with whom the victim has a child.

The City of Ogdensburg recognizes that domestic violence may occur in relationships regardless of the marital status, age, race, or sexual orientation of the parties.

#### F. REPORTING ACTS OR THREATS OF VIOLENCE:

An employee who:

1. is the victim of violence, or
2. believes they have been threatened with violence, or
3. witnesses an act or threat of violence towards anyone else shall take the following steps:
  - a. If an emergency exists and the situation is one of immediate danger, the employee shall contact the local police department by dialing 9-1-1, and may take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area. Once there is no immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete the City of Ogdensburg Workplace Violence Incident Report Form (Appendix 1).
  - b. If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete the City of Ogdensburg Workplace Violence Incident Report Form.

c. Incident Report Submission Procedure: The City encourages employees to follow their chain of command unless circumstances are such that the direct supervisor is not available or is named in the report being submitted. Chain of Command is as follows:

1. Direct Supervisor
2. Department Head
3. Safety Committee Chair
4. City Manager

d. The employer, with the participation of the authorized employee representative, shall conduct a review of the Workplace Violence Incident Reports at least annually to identify trends in the types of incidents in the workplace and review of the effectiveness of the mitigating actions taken.

**G. PROCEDURES- FUTURE VIOLENCE:** Employees who have reason to believe they, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their employment with City of Ogdensburg shall inform their supervisor by immediately completing a Workplace Violence Incident Report Form so appropriate action may be taken. The supervisor shall inform the City Manager, the Safety Committee Chair and the Police Department.

Employees who have received an order of protection, and/or a temporary restraining order, against an individual, who would be in violation of the order by coming to work, shall immediately supply a copy of the signed order to their supervisor. The supervisor shall provide copies to the City Manager, the Safety Committee Chair and the police.

**H. INCIDENT INVESTIGATION:** Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The employee's supervisor will cause to be initiated an investigation into potential violation of work rules/policies. Simultaneously, the City Manager will refer the matter to *the police* for their review of potential violation of civil and/or criminal law.

Procedures for investigating incidents of workplace violence include:

1. Visiting the scene of an incident as soon as possible.
2. Interviewing injured and threatened employees and witnesses.
3. Examining the workplace for security risk factors associated with the incident, including any reports of inappropriate behavior by the perpetrator.
4. Determining the cause of the incident.
5. Taking mitigating action to prevent the incident from recurring.
6. Recording the findings and mitigating actions taken.
7. Workplace Violence Incident Reports will be filed with the City Clerk in a Workplace Violence file. If further discipline is warranted, proper discipline procedures will be followed.

In appropriate circumstances, the City Manager will inform the reporting individual of the results of the investigation. To the extent possible, the City Manager will maintain the confidentiality of the reporting employee and the investigation but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. The City will not tolerate retaliation against any employee who reports workplace violence.

**I. MITIGATING MEASURES:** Incidents which threaten the security of employees shall be mitigated as soon as possible following their discovery. Mitigating actions include:

1. Notification of Police Department when a potential criminal act has occurred.
2. Provision of emergency medical care in the event of any violent act upon an employee.
3. Post-event trauma counseling for those employees desiring such assistance.
4. Assurance that incidents are handled in accordance with the Workplace Violence Prevention Program Policy.
5. Physical and Procedural changes.
  - a. Annual risk assessment must be completed by each department by March 31<sup>st</sup> each year.
  - b. The Safety Committee will meet at least in April each year to review annual risk assessments and the Workplace Violence Prevention Program Policy.
  - c. Hierarchy of Controls: A hierarchy of controls to which the program shall adhere are as follow: engineering controls, work practice controls, and finally personal protective equipment.

**J. TRAINING AND INSTRUCTION:** City of Ogdensburg Safety Committee shall be responsible for ensuring that all employees, including managers and department heads, are provided training and instruction on general workplace security practices. The City Manager shall be responsible for ensuring that all employees and department heads, are provided training and instructions on job specific workplace security practices.

Training and instruction shall be provided as follows:

1. To all current employees when the policy is first implemented.
2. To all newly hired employees, department heads or employees given new job assignments for which specific workplace security training for that job assignment has not previously been provided.
3. To affected employees whenever management is made aware of a new or previously unrecognized hazard.

Workplace security training and instruction includes, but is not limited to, the following:

1. Preventive measures to reduce the threat of workplace violence, including procedures for reporting workplace security hazards.
2. Methods to diffuse hostile or threatening situations.
3. Escape routes.
4. Explanation of this Workplace Violence Prevention Policy.

In addition, specific instructions shall be provided to all employees regarding workplace security hazards unique to their job assignment. See Appendix 3, Workplace Violence Prevention Training Outline.

**K. Annual Workplace Assessment –** The Safety Committee will be responsible for annual workplace risk assessment and incident review to identify the risks of workplace violence as well as illness and injury to which our employees could be exposed. See Appendix 2 Workplace Assessment.

Authorized Employee Representative(s) will be included in the review, at a minimum involvement of:

1. Evaluating the physical environment
2. Developing the Workplace Violence Prevention Program and;
3. 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.

The completed risk assessment (See Appendix 2) is found at the end of this policy.

**APPENDIX 1  
INCIDENT REPORT FORM**

1. VICTIMS NAME: \_\_\_\_\_ JOB TITLE: \_\_\_\_\_

2. VICTIMS ADDRESS: \_\_\_\_\_

3. PREFERRED CONTACT NUMBER: \_\_\_\_\_

4. EMPLOYERS NAME AND ADDRESS: \_\_\_\_\_

5. WITNESS(ES) NAME(S): (if employee give title) \_\_\_\_\_

6. OTHER CONTACT NAMES: \_\_\_\_\_

7. DEPARTMENT/SECTION: \_\_\_\_\_

8. INCIDENT DATE \_\_\_\_\_

9. INCIDENT TIME: \_\_\_\_\_

10. INCIDENT LOCATION: \_\_\_\_\_

11. WORK LOCATION (if different): \_\_\_\_\_

12. TYPE OF INCIDENT: (circle one): Assault, Robbery, Harassment, Disorderly Conduct, Sex Offense, Other. (Please Specify)

\_\_\_\_\_

13. WERE YOU INJURED: (circle): Yes No

If yes, please specify your injuries and the location of any treatment:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

14. DID POLICE RESPOND TO INCIDENT: Yes No

15. WHAT POLICE DEPARTMENT: \_\_\_\_\_

16. POLICE REPORT FILED: Yes No

REPORT NUMBER: \_\_\_\_\_

17. WAS YOUR SUPERVISOR NOTIFIED: Yes No

18. SUPERVISORS NAME: \_\_\_\_\_

19. WAS THE LOCAL UNION/EMPLOYEE REPRESENTATIVE NOTIFIED: Yes No

Who should be notified \_\_\_\_\_

20. WAS ANY ACTION TAKEN BY EMPLOYER: (specify)

\_\_\_\_\_

21. ASSAILANT/PERPETRATOR: (circle one): Intruder, Customer, Patient, Resident, Client, Visitor, Student, Co-Worker, Former, Employee, Supervisor, Family/Friend, Other, (specify):

\_\_\_\_\_

22. ASSAILANT/PERPETRATOR - NAME/ADDRESS/AGE (if known): \_\_\_\_\_

\_\_\_\_\_

23. PLEASE BRIEFLY DESCRIBE THE INCIDENT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

24. INCIDENT DISPOSITION: (Circle all that apply): No action taken, Arrest, Warning, Suspension, Reprimand, Other: \_\_\_\_\_

25. DID THE INCIDENT INVOLVE A WEAPON: Yes No

Specify \_\_\_\_\_

26. DID YOU LOSE ANY WORK DAYS: Yes No

Specify \_\_\_\_\_

27. WERE YOU SINGLED OUT OR WAS THE VIOLENCE DIRECTED AT MORE THAN ONE INDIVIDUAL: \_\_\_\_\_

28. WERE YOU ALONE WHEN THE INCIDENT OCCURRED: \_\_\_\_\_

29. DID YOU HAVE ANY REASON TO BELIEVE THAT AN INCIDENT MIGHT OCCUR: Yes No

Why: \_\_\_\_\_

30. HAS THIS TYPE OR SIMILAR INCIDENT(S) HAPPENED TO YOU OR YOUR CO-WORKERS: Yes No

Specify: \_\_\_\_\_

31. HAVE YOU HAD ANY COUNSELING OR SUPPORT SINCE THE INCIDENT: Yes No

Specify: \_\_\_\_\_

32. WHAT DO YOU FEEL CAN BE DONE IN THE FUTURE TO AVOID SUCH AN INCIDENT:

\_\_\_\_\_

33. WAS THIS ASSAILANT INVOLVED IN PREVIOUS INCIDENTS: Yes No

Specify: \_\_\_\_\_

34. ARE THERE ANY MEASURES IN PLACE TO PREVENT SIMILAR INCIDENTS: Yes No

Specify: \_\_\_\_\_

35. HAS CORRECTIVE ACTION BEEN TAKEN:

Specify: \_\_\_\_\_

36. COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

APPENDIX 2  
WORKPLACE ASSESSMENT

RISK EVALUATION AND DETERMINATION ASSESSMENT FORM

Date: \_\_\_\_\_

Employer: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Department or Agency: \_\_\_\_\_ Hours of Operation: \_\_\_\_\_

**Risk Evaluation and Determination:**

Every employer shall evaluate its workplace or places 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 are not limited to;

Yes      No

- a. Working in public settings;
- 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.

Number of employees on site between 10 pm and 5am. \_\_\_\_\_

If any, describe activity. \_\_\_\_\_

Describe nature and frequency of client / customer / patient / passenger / other contact:

\_\_\_\_\_  
\_\_\_\_\_

Yes      No

- Are any cash transactions conducted with the public during working hours?

If yes, how much cash is kept in the cash register or in another place accessible to a robber? \_\_\_\_\_

- Is there a safe or lock-box on the premises into which cash is deposited?

What is the security history of the department?

What physical security measures are present?

What work practices has the employer implemented to increase security?

Has the employer provided security training to employees?    Yes                  No

If so, has the training been effective? \_\_\_\_\_

The annual workplace assessment and mitigation measures for each building will be filed with the City Clerk and a copy kept at each facility.

### List of Risks and Mitigation Efforts Records Review

Instructions: Examine records below from the previous year to identify patterns, if any, of injuries in particular areas of the workplace or incidents which involve specific operations or specific individuals.

a. Log and Summary of Work Related Injuries and Illnesses (SH900 and 900.1)

b. Illness and Injury Report (SH900.2) or Incident Report

c. Workplace Violence Incident Reports

d. Workmen's Compensation Reports

e. Other reports/incidents

APPENDIX 3  
WORKPLACE VIOLENCE PREVENTION TRAINING OUTLINE

The City of Ogdensburg shall provide each employee with information and training on the risk of workplace violence in their workplace or workplaces at the time of the employee's initial assignment and at least annually thereafter.

Any substantial change to the workplace violence program must be communicated to employees.

Upon completion of the workplace violence prevention program all employees must be provided information and training on:

- 1) Requirements of the regulation (12NYCRR Part 800.6)
- 2) Risk factors specific to the workplace that were identified in the risk evaluation and determination (Step 2 of the How to Comply Guide)
- 3) Measures that employees can take to protect themselves from the identified risks including specific procedures that the employer has implemented such as
  - a. Incident alert and notification procedures
  - b. Appropriate work practices
  - c. Emergency procedures
  - d. Use of security alarms and other devices
- 4) Procedures to report incidents of workplace violence
- 5) Location of the written workplace program and how to obtain a copy\*

\*This part of the training requirements only applies to employers with 20 or more full-time permanent employees.

Note: Information otherwise kept confidential for security reasons does not have to be disclosed to all employees. Examples of confidential information include but are not limited to information that would interfere with law enforcement investigations or judicial proceedings, would deprive a person of a right to a fair trial, would identify a confidential source or disclose confidential information relating to a criminal investigation, would reveal criminal investigative techniques or procedures except routine techniques and procedures, or would endanger the life or safety of any person.