

**Town of Riverhead**

**Operating Guidelines**

**Adopted July 2, 2014**

**Workplace Violence Protection Program**

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# SECTION 1 – INTRODUCTION

## Workplace Violence Prevention Policy Statement

The Town of Riverhead is committed to providing its employees with a work environment that is safe, secure, and free of harassment, threats, intimidation and violence. The Town also considers the safety of its residents, vendors, contractors, and the general public (“visitors”) to be of paramount importance and strives to provide them the same type of protections while on Town property.

The Town has zero tolerance for workplace violence. Workplace violence is defined by New York State Regulations as any physical assault or acts 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:

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

The Town will not tolerate any acts of violence and will take reasonable and practical measures to prevent violence and protect employees and visitors from acts of violence. All employees are responsible for helping to create an environment of mutual respect for each other as well as for visitors. All employees are responsible for following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

Employees are prohibited from possessing firearms or weapons of any kind while on Town premises or in Town vehicles, while conducting business for the Town, or at any work sites or other locations during working hours or while representing the Town, regardless of whether the person is licensed to carry the weapon. Weapons include guns, knives ( explosives, and other items with the potential to inflict bodily harm. The only exceptions are sworn police personnel and employees who are required to use knives (*e.g.*, a utility knife) as part of their job duties. If any employee or his/her representative has knowledge of another employee’s possession of a weapon, that knowledge should be reported to a supervisor as soon as possible.

The Town will respond to all incidents of workplace violence or threatening behavior immediately upon notification of the incident.

All employees are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

The Town needs your cooperation to implement this policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating or other disruptive behavior. If you observe or experience this behavior by anyone on Town premises, whether or not you are a Town employee, you should report it immediately to a supervisor. Supervisors who receive these reports should complete an "Incident Report Form" and seek advice from the Town's Attorney at 727-3200, ext. 216 regarding investigating the incident and initiating appropriate action.

**THREATS OR ASSAULTS WHICH REQUIRE IMMEDIATE ATTENTION BY SECURITY OR POLICE SHOULD BE REPORTED TO THE POLICE AT 911.**

Enforcement of this policy will be accomplished through the implementation of a Workplace Violence Prevention Program, and by complying with the requirements of the NYS Workplace Violence Prevention Act as set forth in NYS Labor Law Section 27-b. A general review of the Town's Workplace Violence Prevention Program will be conducted every year. Specific reviews will be conducted upon a workplace violence incident.

This policy will be posted in the following locations: all Town buildings.

Individuals who violate this Policy may be subject to removal, criminal and/or civil charges, and/or disciplinary action up to and including termination of employment.

**Any employee who, in good faith, makes a report of workplace violence, reports witnessing workplace violence, or is involved in reporting, investigating, or responding to workplace violence, will not be subject to retaliation of any kind. Any employee found to have engaged in retaliatory action will be subject to discipline, up to and including termination.**

## **Overview of the New York State Workplace Violence Prevention Act**

Based on an increasing awareness of, and in response to, workplace violence incidents in public sector workplaces.

Among other requirements, Section 27-b requires every public sector employer to:

1. conduct a risk assessment of its worksites to identify and address any existing risk factors that may increase the possibility of workplace violence;
2. provide training for all employees, which informs them of the risk factors that may be present in their workplace(s), measures they can take to protect themselves from these risks, and the steps the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, and use of security alarms and other devices; and
3. for employers with 20 or more full-time employees, develop and implement a written workplace violence prevention program that lists the risk factors and the methods the employer is using to prevent violence and minimize or eliminate identified hazards.

### **What Is Workplace Violence?**

Workplace violence can be any act of verbal or physical violence, threat of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs at a worksite or while a public employee performs any work-related duty in the course of his or her employment. Workplace violence can affect or involve employees, visitors, contractors, and others.

For purposes of this policy, the workplace is defined as any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, Town-owned/leased buildings and facilities, parking lots, and traveling to and from work assignments within the work day.

Workplace violence can be inflicted by an abusive employee, a supervisor, member of the public, family member, or even a stranger. Whatever the cause or whomever the perpetrator, workplace violence will not be accepted or tolerated by the Town.

### **What is a workplace violence incident?**

According to the NYS Department of Labor, a workplace violence incident is defined as one or more of the following:

- a. An attempt or threat, whether verbal or physical, to inflict injury upon another person.
- b. Any intentional display of force that would give a person reason to fear or expect bodily harm.

- c. Intentional and wrongful physical contact with a person without his or her consent that entails some injury or offensive touching.
- d. Harassment of a nature that would give a person reason to fear escalation or harassment arising out of or in the course of employment.
- e. Stalking a person with the intent of causing fear when the stalking has arisen through or in the course of employment.

An incident may be committed without one person actually touching or striking or doing bodily harm to another person. Concerns about sexual harassment may also be covered by the Town's Sexual Harassment Policy.

## **Savings Clause**

The Town of Riverhead has made every effort to ensure that this Workplace Violence Prevention Program complies with NYS Department of Labor regulations. In the event any of the provisions, portions or applications of this Program are found to be invalid or inconsistent with any superseding legal requirements by any tribunal of competent jurisdiction, then the provisions, portions or applications specified in the decision will be of no force and effect, but the remainder of the Program will continue to be in full force and effect.

## **Section 2 – Employee and Supervisory Roles and Responsibilities**

### **Employee Responsibility**

It is the responsibility of every Town employee to assist and cooperate in making our workplace as safe as possible. In order to accomplish this task, all employees need to fully understand and adhere to the provisions of this Workplace Violence Prevention Program.

Any employee who witnesses or is the victim of any form of workplace violence, or who notices or perceives any physical condition, procedure, or any other factor that may contribute to the potential risk of workplace violence, should report it to his/her supervisor. If the supervisor is a party to the incident or concern, or if for any reason the employee is not comfortable reporting it to the supervisor, then the report should be made to a member of the Hazard Reduction Team. A list of the Hazard Reduction Team members is available at Town Supervisor's office. All reports should be documented using the attached *Workplace Violence Incident Report Form*, and the supervisor must submit all reports to the Town Supervisor.

If an employee properly refers a matter of concern as set forth above, and the Town is given reasonable opportunity to correct the matter but it has not been resolved or the employee or representative of the employees still believes a violation remains, or if the employee believes that an imminent danger exists, the employee or representative of employees has the right to contact the New York State Department of Labor, in writing, to request an inspection of the situation by the Department of Labor.

Employees who apply for, obtain or are covered by a protective or restraining order that lists specific workplace locations as being protected areas, must provide his/her supervisor or the Town Supervisor with a copy of the petition and declaration used to seek the order as well as a copy of any temporary or permanent protective or restraining order that was granted. The Town will endeavor to maintain confidentiality of same and respect the privacy of the reporting employee to the maximum extent possible consistent with the Town's obligations pursuant to this Program.

An Authorized Employee Representative will be given the opportunity to contribute information, assist with analyzing statistics and conducting the workplace risk evaluation and determination, participate in incident reviews, and provide input about the Workplace Violence Prevention Program.

**Any employee who, in good faith, makes a report of workplace violence, reports witnessing workplace violence, or is involved in reporting, investigating, or responding to workplace violence, will not be subject to retaliation of any kind. Any employee found to have engaged in retaliatory action will be subject to discipline, up to and including termination.**

## **Supervisor Responsibility**

Supervisors have the responsibility for ensuring that these policies and procedures are clearly communicated and understood by all employees, as well as enforcing them in a fair and consistent manner. Supervisors are accountable for ensuring that all aspects of this Program under their area of responsibility are properly met.

Supervisors must carefully review and assess information provided by employees or other sources. If a problem situation or location is identified, appropriate precautions should be taken based on the specific situation. Information about the problem should be communicated to the Town Supervisor and the Hazard Reduction Team for possible notification of other employees who may work in a similar/identical situation and for updates to the Workplace Violence Prevention Program.

## **Hazard Reduction Team**

A Hazard Reduction Team ("Team") has been established to assess the Town's vulnerability to workplace violence and to make recommendations on preventive actions to be taken. The Team will consist of at least one representative designated by the Town, who initially will be Meg Ferris and an authorized employee representative. The Team will contribute toward maintaining the Program. A copy of the Program is available upon request to the Town Supervisor's office and in all Town buildings.

The Team will conduct the risk assessment and employee surveys. Once the level of risk is determined, the Team will participate in the development of risk reduction strategies, which will then be implemented during employee training.



The Team may participate in the oversight of employee training programs in violence prevention and the development of a plan for responding to acts of violence. It may also participate in communicating this plan internally to all employees. The Team may participate in reviewing previous incidents of violence at Town workplaces. It may analyze and review existing records to identify patterns which may indicate causes and severity of assault incidents and identify changes necessary to correct these hazards. These records include, but are not limited to, past incident reports, insurance records, Workers' Compensation records, accident investigations, and training records.

Additionally, the Team may participate in the inspection of the workplace and evaluate the work tasks of employees to determine the presence of hazards, conditions, operations and other situations which might place workers at risk of occupational assault incidents. Employees may be surveyed to identify the potential for violent incidents and identify or confirm the need for improved security measures. These surveys will be reviewed, updated and distributed as needed.

The Team will also, on at least an annual basis, review and update the Program. The review and update will set forth any mitigating steps taken in response to any incident of workplace violence.

### **Section 3 – Response Procedures**

#### **During An Incident**

If a threatening situation arises:

Try to remain calm.

Remove yourself from the threat as quickly as possible.

Immediately call or alert others to call appropriate help (e.g., police, supervisor, ambulance) to obtain immediate on-site assistance.

In emergency situation, dial 911.

Notify coworkers as soon as practical to enable them to also reach safety if danger is imminent and applicable to them.

#### **Post Incident**

Steps will be taken to review risks and determine whether additional security measures are needed to mitigate a threat or violent incident. An investigation will take place to determine what actions are appropriate to prevent a similar occurrence. The Town will respect privacy and confidentiality rights of employees during investigations to the greatest extent possible.

If warranted, increased worksite protection, such as additional police or security patrols, will be provided when threats of violence have been made.

Anyone who might be affected if the threat-maker carries out his or her threat may be notified.

Counseling may be provided to victims about options available to them, such as obtaining a restraining order and receiving counseling services from an Employee Assistance Program (EAP).

After the occurrence of a threat or an incident of workplace violence, the Town will maintain open lines of communication to alleviate anxiety and reduce misinformation.

Employees may be assisted with the possible psychological consequences which may result from a workplace violence incident. Counseling services and follow-up treatment, as needed, may be offered to employees and their families.

## **Dealing With Conflict**

There is no sure way to tell whether someone will become violent; however, there are often warning signs before violence occurs. These warning signs do not mean that the individual will actually become violent but, in combination, they should be a cause for concern. Warning signs of potentially violent individuals:

Written, oral, or implied threats or intimidation  
Fascination with weaponry or acts of violence  
Theft or sabotage of projects or equipment  
Alcohol or drug abuse  
Expressions of hopelessness or heightened anxiety  
Intention to hurt or others  
Lack of concern for the safety of others  
Externalization of blame  
Irrational beliefs and ideas  
Romantic obsession  
Displays of excessive or unwarranted anger  
Feelings of victimization  
Inability to take criticism  
New or increased sources of stress at home or work  
Productivity and/or attendance problems

## **Do's and Don'ts for Dealing with Potentially Violent Individuals**

### Do's

1. Do project calmness. Move and speak slowly, quietly, and confidently.
2. Do listen attentively and encourage the person to talk.
3. Do let the speaker know that you are interested in what he or she is saying.
4. Do maintain a relaxed yet attentive posture.

5. Do acknowledge the person's feelings and indicate that you can see she/he is upset.
6. Do ask for small, specific favors such as asking the person to move to a quieter area.
7. Do establish ground rules. State the consequences of violent or threatening behavior.
8. Do employ delaying tactics that give the person time to calm down. For example, offer a cup of water.
9. Do be reassuring and point out choices.
10. Do help the person break down big problems into smaller, more manageable problems.
11. 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.
12. Do arrange yourself so that your exit is not blocked.
13. Do make sure there are three to six feet between you and the other person.

### Don'ts

1. Don't make sudden movements that may seem threatening.
2. Don't speak rapidly, raise your volume, or use an accusatory tone.
3. Don't reject all demands.
4. Don't make physical contact, jab your finger at the other person, or use long periods of eye contact.
5. Don't pose in challenging stances: directly opposite someone, hands on hips, or with arms crossed.
6. Don't challenge, threaten, or dare the individual. Never belittle the other person.
7. Don't criticize or act impatient.
8. Don't attempt to bargain with a threatening individual.
9. Don't try to make the situation seem less serious than it is.
10. Don't make false statements or promises you cannot keep.
11. Don't try to impart a lot of technical or complicated information when emotions are high.
12. Don't take sides or agree with distortions.
13. Don't invade the individual's personal space.

## **Section 4 – Training and Education**

### **Training and Education**

All employees will receive training and education on the risks of workplace violence and procedures for responding to and reporting incidents of workplace violence. Training will be provided upon completion of the Program and annually thereafter. Additional training may be required prior to starting a new job assignment, if new laws relating to workplace violence are enacted or there are changes in any current laws, or if the Town

makes significant changes to its Workplace Violence Prevention Program, risk factors or work controls.

The Town's employee training and education will include, but not be limited to, the following areas:

- Overview of the New York State Workplace Violence Prevention Act and NYS Labor Law Section 27-b, and Regulations, 12 N.Y.C.R.R. Part 800.6
- Description and details of the Town's Workplace Violence Prevention Program
- Workplace location of the Town's Workplace Violence Prevention Program manual and the procedures for obtaining a copy
- Definition of workplace violence and the three levels of workplace violence
- Methods of recognizing and responding to the three levels of workplace violence
- Standard response action plan for violent situations
- Procedures for reporting a workplace violence incident or imminent danger
- How and when incidents will be investigated by the Town
- The risk factors identified in the Hazard Reduction Team's risk evaluation
- Measures employees can take to protect themselves from identified risks
- Procedures, policies, safety devices, and/or work environment accommodations which have been implemented to protect employees based on the results of the risk evaluation
- Post-incident procedures, including medical follow-up and the availability of counseling for affected individuals

Specialized training and education may be provided to supervisors as well as to those employees who are at higher risk of workplace violence based on their job duties and/or work site location.

Upon completion of the training, employees may be asked to provide feedback on the quality and content of the training. Upon request to the Town, employees will receive a copy of the Town's Workplace Violence Prevention Program.

## **Section 5 – Incident Recordkeeping and Reporting and Investigations**

### **Recordkeeping**

The Town will maintain accurate records regarding all workplace violence incidents. The Town will adhere to all of the requirements of 12 NYCRR Part 801, known as the Public Employer Recordkeeping Rule, which is implemented pursuant to Section 27-a of the Labor Law, for the recording of employee injuries or illnesses due to workplace violence incidents. All workplace violence incident forms will be kept according to the applicable retention and disposition schedules.

Any situation that meets the definition of a workplace violence incident as defined in Section 1 (Introduction) or any workplace violence injury that results in death, days away

from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness, must be documented on a Workplace Violence Incident Report. Any recordable injury must also be documented on the SH-900 log. The report will be initiated by the employee and completed with the assistance of the Town Supervisor.

The SH-900 Logs and Workplace Violence Incident Reports will be reviewed by the Hazard Reduction Team on a regular basis. The forms will also be summarized and analyzed at least annually so that the Team can identify any trends in the types of workplace violence incidents occurring and to review the effectiveness of the mitigating actions taken.

The Town is required to report employee workplace violence related fatalities and multiple hospitalizations to the New York State Department of Labor's Public Employee Safety and Health (PESH) Bureau within eight hours of the incident. (Refer to NYCRR Part 801 for complete information pertaining to employee recordkeeping and PESH reporting requirements).

### **Incident Reporting**

The Town will follow all federal, state and local laws and procedures in the reporting of workplace violence incidents. Any workplace violence incident that may be of a criminal or domestic violence nature will be immediately reported to the appropriate police authorities or be handled in accordance with accepted operating procedures.

Town Incident Reporting Procedures – All incidents of Level I violence must be reported within 48 hours of occurrence. All Level II and Level III incidents must be immediately reported. The reporting structure is outlined in Section 2 (Employee Responsibility) of this manual. An "Incident Report Form" must be completed for each incident. A copy of the form may be forwarded to the one or more members of the Hazard Reduction Team for their review and investigation.

At a minimum, the report will include the following information: (a) workplace location where incident occurred; (b) date of incident; (c) time of day; (d) incident description; (e) names and job titles of involved employees; (f) extent of injuries; (g) names of witnesses; (h) name or other identifier of other individual(s) involved; and (i) information on preventative actions that the Town has taken or is considering as a result of the incident to mitigate against further like occurrences. These reports will be maintained for use when the program is reviewed and updated. The Incident Report Form contained in this manual or the DOSH (Division of Safety and Health) Sh-900.2 form or C-2 form with the required information added may be utilized.

If the report involves a privacy concern case, the Report will be kept confidential and the Town will replace the name of the employee who was the victim of the workplace violence with "PRIVACY CONCERN CASE" before sharing the Report. The following will be treated as privacy concern cases:

- a. an injury or illness to an intimate body part or the reproductive system;
- b. an injury or illness resulting from a sexual assault;
- c. mental illness;
- d. HIV infection;
- e. needle stick injuries and cuts from sharp objects which are or may be contaminated with another person's blood or other potentially infectious materials; and
- f. other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered in the Report.

The Town Supervisor or designee is required to report any workplace violence related fatalities and multiple hospitalizations to the DOSH District Office within eight hours of the incident.

Nearest **DOSH** District Office:  
400 Oak Street, Suite 10, Garden City, NY 11530

### **Incident Investigation**

Each incident may be investigated by one or more members of the Hazard Reduction Team depending upon the circumstance. The investigation may take various forms, depending upon the type of incident (e.g., threat assessment, administrative, criminal).

After the occurrence of a workplace violence incident, the Town will consider prevention enhancements which may be necessary to properly protect employees. The Team may discuss the causes of the incident and make recommendations on how to revise the Workplace Violence Prevention Program, if necessary, to prevent similar incidents from occurring. Revisions to the program will be put in writing and made available to all employees.

**Section 6 – FORM**

The following form is to be used in reporting a Workplace Violence incident:

**FORM-1 – Workplace Violence Incident Report Form**

**TOWN OF RIVERHEAD**

**Workplace Violence Incident Report Form**

This form is to be used to document any reportable workplace violence incident. This form is to be completed and immediately forwarded to the Hazard Reduction Team.

Employee Name \_\_\_\_\_

Job Title \_\_\_\_\_

Location Where Incident Occurred \_\_\_\_\_

Date and Time of Incident \_\_\_\_\_

Name of Individual Completing  
This Report \_\_\_\_\_

Date Incident Report Completed \_\_\_\_\_

Date Incident Report Received by  
Hazard Reduction Team \_\_\_\_\_

Supervisor’s Name and  
Signature \_\_\_\_\_

Date Report Submitted to the Local  
Office of the Dept. of Labor \_\_\_\_\_

List any individuals who may have witnessed this incident:  
Witness Name, Job Title and Witness Work Phone Number

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

Check the Type of Violence the victim experienced (Levels I, II, or III):

Level I Violence

- Intimidation     Bullying     Verbal Abuse     Minimal Harassment
- Shouting         Swearing     Obscene Gestures     False Statements

Level II Violence

Psychological Trauma  Suicide Threat  Threats of Assault  Advanced Harassment  
 Shouted at Directly  Swore at Directly  Obscene Calls  Being Followed or Stalked

Level III Violence

Shooting  Stabbing  Striking with an Object  Sexual Assault  
 Pushing  Grabbing  Throwing Objects  Homicide

Please provide a detailed description of the incident.

Assailant/Perpetrator                      Name                      Address

- Member of the Public
- Employee's Spouse
- Employee's Significant Other
- Employee's Supervisor
- Co-worker
- Former employee
- Other (specify)

Did police respond to the incident?     Yes     No

If yes, please specify the name of the Police Department \_\_\_\_\_

Was a police report filed?     Yes     No    Police Report Number \_\_\_\_\_

Were you injured?     Yes     No

If yes, please specify your injuries and the name/location of any treatment that you received.

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Did you lose any work days?     Yes     No    If yes, how many days \_\_\_\_\_

Have you received counseling since this incident?     Yes     No

Did you have any reason to believe that this incident might occur?     Yes     No

Has the employer taken measures of which you are aware to avert this incident from occurring in the future?     Yes     No    Please describe:

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