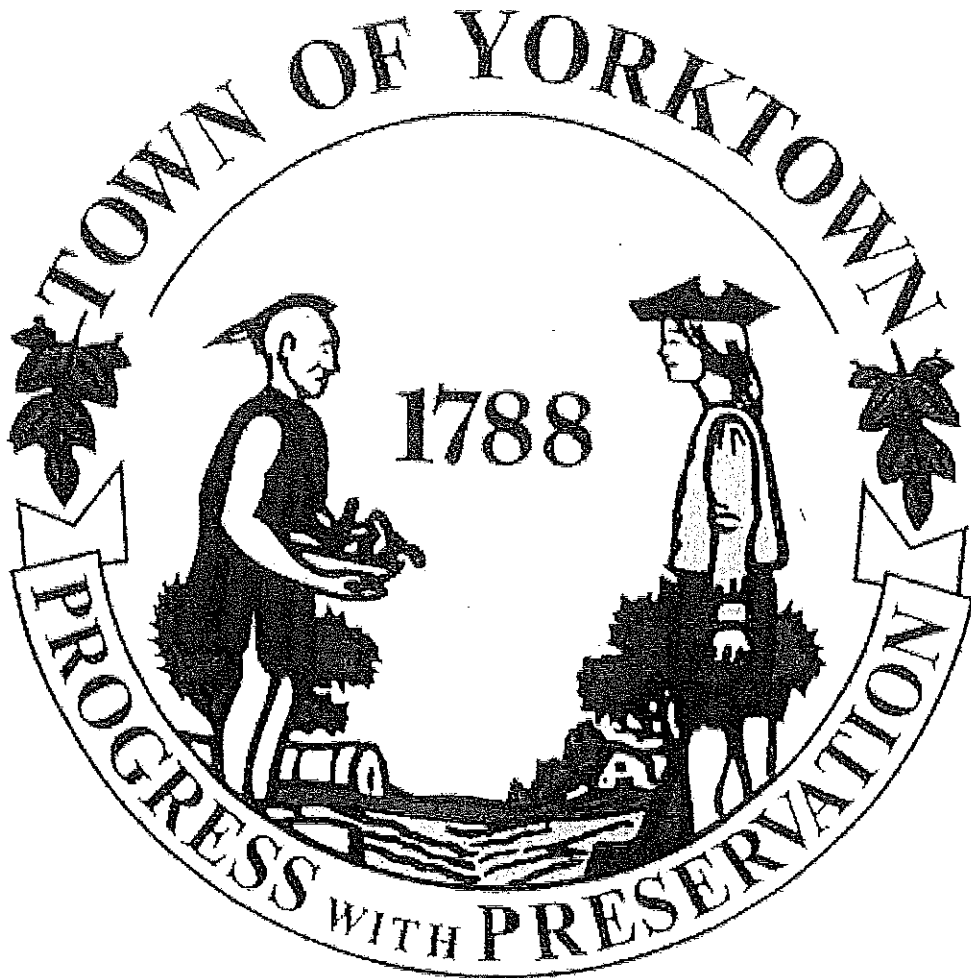


TOWN OF YORKTOWN

Workplace Violence Prevention Program



SECTION 1 – INTRODUCTION

POLICY STATEMENT

The Town of Yorktown is committed to providing its employees with a work environment that is safe, secure, and free from violence. The Town also considers the safety of its residents, vendors, contractors, and the general public (collectively referred to as "visitors" throughout the remainder of this program manual) to be of paramount importance and strives to provide them the same type of protections while on Town property.

In accordance with the New York State Workplace Violence Prevention Act, the Town of Yorktown has developed a Workplace Violence Prevention Program. As a part of this program, the Town conducted a comprehensive risk evaluation of the entire workplace. The Town will conduct annual reviews to identify risk factors that may increase the likelihood of workplace violence and implement appropriate measures to minimize or eliminate these hazards. In order to achieve this goal, the Town encourages the participation and cooperation of employees and their authorized employee representative(s).

The Town will not tolerate any acts of violence in the workplace, including but not limited to, physical assault (e.g., hitting, pushing), threatening or intimidating behavior, verbal abuse or harassment. In addition, employees are prohibited from possessing firearms or weapons (e.g., guns, knives, (except for pocket knives used in the normal course of the employee's job), explosives, and other items with the potential to inflict harm) in the workplace, even if the employee is licensed to carry the weapon. The only exceptions are law enforcement. An employee who has knowledge that a coworker or visitor possesses a weapon on Town property must report this to a Department Head or supervisor immediately.

For the purpose of this program, the workplace is defined as any location away from an employee's home, either permanent or temporary, where the employee performs any work-related duty in the course of employment. This includes, but is not limited to, Town-owned buildings and surrounding perimeters, parking lots, work sites, clients' homes, and traveling to and from work assignments.

Any incident of workplace violence or imminent danger must be promptly reported to the Department Head or supervisor as outlined in Section 5 (Incident Reporting) of the Workplace Violence Prevention Program manual.

Violations of this policy will result in appropriate remedial, disciplinary, and/or legal action, according to the circumstances.

An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

This Workplace Violence Prevention Program policy statement will be posted where notices to employees are normally displayed. In addition, a copy of the program manual will be made available to employees, the authorized employee representative(s), and if requested, the Commissioner of the New York State Department of Labor at each of the Town's work sites during normal working hours.

OVERVIEW OF THE NEW YORK STATE WORKPLACE VIOLENCE PREVENTION ACT

Based on an increasing awareness of, and in response to, the violence that was occurring in public sector workplaces, the New York State Workplace Violence Prevention Act was passed in 2006. The Act amended NYS Labor Law by adding Section 27-b. Section 27-b requires all state and local government employers to take steps to ensure their employees are provided adequate protection from potential incidents of violence in the workplace.

Among other stipulations, Section 27-b requires the Town of Yorktown to:

1. Conduct a risk assessment of its work sites to identify and address any existing risk factors that may increase the possibility of workplace violence;
2. Provide training for all employees (upon initial assignment and annually thereafter) which informs them of the risk factors that may be present at their work sites, the measures they can take to protect themselves from such 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. 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. (Required if an employer has 20 or more full-time employees).

WHAT IS WORKPLACE VIOLENCE?

For the purpose of this program, the term "violence" means physically harming another, fighting, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, or threatening or talking of engaging in those activities. Workplace violence can be any act of physical violence, threats of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs in the workplace.

Workplace violence incidents are generally categorized into three levels:

- Level I – Disruptive behavior such as verbal abuse
- Level II – Aggressive or threatening behavior
- Level III – Physical assault

A number of different actions in the work environment can trigger or cause workplace violence. It may even be the result of non-work-related situations, such as domestic violence or "road rage."

Workplace violence can be inflicted by an employee, a supervisor, department head, resident, member of the public, contractor, vendor, family member, or even a stranger.

WHAT IS A WORKPLACE VIOLENCE INCIDENT?

The New York State Department of Labor defines a workplace violence incident 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 which 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 make it difficult to pursue a normal life when the harassment arises out of or in the course of employment; or
- e. Stalking a person with the intent of causing fear when such stalking has arisen through or in the course of employment.

A workplace violence incident may be committed without one person actually touching, striking, or doing bodily harm to another person.

While sexual harassment (as defined in Executive Order #19 and the New York State Human Rights Law) is prohibited by the Town of Yorktown, it is specifically excluded from the definition of a workplace violence incident. An employee should refer to the sexual harassment policy for more information about this topic.

Workplace Violence Imminent Danger

The Department of Labor defines an imminent danger as any conditions or practices in any place of employment which are such that a danger exists that could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated.

SAVINGS CLAUSE

The Town of Yorktown has made every effort to ensure that this Workplace Violence Prevention Program complies with NYS Department of Labor drafted 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 such decision shall be of no force and effect, but the remainder of this program shall continue to be in full force and effect.

SECTION 2 – EMPLOYEE AND SUPERVISOR ROLES AND RESPONSIBILITIES

EMPLOYEE RESPONSIBILITIES

Employee and authorized employee representative involvement in the Town of Yorktown's Workplace Violence Prevention Program is essential to the program's success. Employees are expected to read, understand, and comply with the Town's program and to attend ongoing education and training on workplace violence. Any questions should be directed to the employee's Department Head or supervisor.

Employees must promptly report any violations of the Town's Workplace Violence Prevention Program or any workplace violence imminent danger in accordance with the reporting procedures outlined in Section 5 (Incident Recordkeeping, Reporting, and Investigation) of this program manual.

Protective and Restraining Orders

An employee who applies for or obtains a protective or restraining order which lists specific workplace locations as being protected areas must provide the employee's Department Head a copy of the Protective and Restraining Order. The Town will follow confidentiality procedures that recognize and respect the privacy of the reporting employee.

SUPERVISOR RESPONSIBILITIES

Department Heads and supervisors are responsible for communicating the Workplace Violence Prevention Program to employees and answering any of their questions. Department Heads and supervisors are expected to enforce the program in a fair and consistent manner and ensure all aspects of the program under their area of responsibility are properly met.

If an employee notifies his/her Department Head of an actual or potential workplace violence incident or submits a completed Workplace Violence Incident Report (Form-1), the Department Head is responsible for following the reporting procedures as outlined in Section 5 (Incident Recordkeeping, Reporting, and Investigation) of this program manual.

SECTION 3 – RESPONSE PROCEDURES

DURING AN INCIDENT

If a threatening situation arises:

- Try to remain calm;
- Remove yourself from the threat as soon as possible;
- Immediately call, or alert others to call, for on-site assistance from the appropriate resource (e.g., supervisor, police, ambulance).
- Notify coworkers as soon as practical to enable them to also reach safety if danger is imminent and applicable to them.

POST INCIDENT

If a workplace violence incident occurs or an employee submits a Workplace Violence Incident Report, the Town or its assignee will conduct a thorough investigation of the situation. The Town of Yorktown will respect the privacy and confidentiality rights of employees during investigations to the greatest extent possible, although the Town cannot guarantee complete confidentiality.

Based on the specific situation and the results of the investigation, appropriate measures will be taken, if needed, to eliminate or reduce the likelihood of similar workplace violence incidents occurring in the future. If the workplace violence incident was related to a threat, all employees who might be affected if the threat-maker were to carry out such threat will be given proper notification. Throughout the investigation, the Town will maintain open lines of communication with employees, visitors, and the public to answer questions and alleviate anxiety.

The Town of Yorktown will provide information to potential or actual victims about the options available to them, such as obtaining a restraining order against the threat maker, obtaining follow-up medical care, if applicable, and/or the availability of any counseling services through an Employee Assistance Program (EAP).

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 include:

- 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 in the workplace
- Expressions of hopelessness or heightened anxiety
- Intention to hurt self 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'T'S FOR DEALING WITH POTENTIALLY VIOLENT INDIVIDUALS

Do's

- Do project calmness. Move and speak slowly, quietly, and confidently.
- Do listen attentively and encourage the person to talk
- Do let the speaker know that you are interested in what he or she is saying
- Do maintain a relaxed yet attentive posture
- Do acknowledge the person's feelings and indicate that you can see he or she is upset
- Do ask for small, specific favors such as asking the person to move to a quieter area
- Do establish ground rules. State the consequences of violent or threatening behavior.
- Do employ delaying tactics that give the person time to calm down. For example, offer a cup of water.
- Do be reassuring and point out choices
- Do help the person break down big problems into smaller, more manageable problems
- 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.
- Do arrange yourself so that your exit is not blocked
- Do make sure there are three to six feet between you and the other person

Don'ts

- Don't make sudden movements that may seem threatening
- Don't speak rapidly, raise your volume, or use an accusatory tone
- Don't reject all demands
- Don't make physical contact, jab your finger at the other person, or use long periods of eye contact
- Don't pose in challenging stances, such as directly opposite someone, hands on hips, or with arms crossed
- Don't challenge, threaten, or dare the individual. Never belittle the other person.
- Don't criticize or act impatient
- Don't attempt to bargain with a threatening individual
- Don't try to make the situation seem less serious than it is
- Don't make false statements or promises you cannot keep
- Don't try to impart a lot of technical or complicated information when emotions are high
- Don't take sides or agree with distortions
- 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. Training will be provided at the time of hire and at least 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 in its Workplace Violence Prevention Program.

At a minimum, the Town's employee training and education will address the following:

- Overview of the New York State Workplace Violence Prevention Act and NYS Labor Law Section 27-b
- Overview of the Town's Workplace Violence Prevention Program
- Workplace location of the Town's Workplace Violence Prevention Program manual and 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 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 during the risk evaluation
- Measures employees can take to protect themselves from identified risks
- Procedures, policies, safety devices, and/or work environment accommodations that 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 is provided to Department Heads and 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 will be asked to complete a training evaluation form in order to obtain their feedback on the quality and content of the training. Employees will receive a copy of the Town's Workplace Violence Prevention Policy and will be required to sign a Policy Acknowledgement Form (Form-3) and a Training Acknowledgement Form (Form-4). These signed acknowledgement forms will be placed in the employee's personnel file.

SECTION 5 – INCIDENT RECORDKEEPING, REPORTING, AND INVESTIGATION

INCIDENT RECORDKEEPING

The Town of Yorktown 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 will be documented on a Workplace Violence Incident Report. Any recordable injury will also be documented on the SH-900 Log.

INCIDENT REPORTING

The Town will follow all federal, state and local laws and procedures in the reporting of workplace violence incidents.

Internal Workplace Violence Incident Reporting Procedures

Any employee or authorized employee representative who believes that a workplace violence imminent danger exists or that there has otherwise been a violation of the Town's Workplace Violence Prevention Program should report such to the employee's Department Head. If the Department Head is unavailable or is a party to the violation, the report should be made to Personnel Administration.

An employee is responsible for reporting all incidents of Level I violence in writing within 48 hours of the occurrence using the Workplace Violence Incident Report. All Level II and Level III incidents must be reported immediately using this form.

The Department Head or the supervisor, in turn, is responsible for forwarding a copy of the Workplace Violence Incident Report to Personnel Administration. All Level II and Level III incidents must be forwarded immediately and all Level I incidents must be forwarded within 48 hours.

If, after providing the Town a reasonable opportunity to resolve the situation set forth in the Workplace Violence Incident Report, the employee believes that a violation of the Town's program still exists or that there continues to be a workplace violence imminent danger, the employee may contact the Commissioner of Labor at the NYS Department of Labor to request an inspection. Such request must be in writing, be signed by the employee or the employee's authorized representative, and include specific information as to the alleged violation or imminent danger. The Commissioner of Labor will provide a copy of the employee's notice to the Town of Yorktown no later than the time of inspection. The employee may request that his or her name, the names of individual employees, and/or the authorized employee representative's name be withheld from the Town.

An employee is not required to provide written notice to the Department Head or the supervisor if a workplace violence imminent danger exists to the safety of a specific employee or to the general health of a specific person and the employee reasonably believes in good faith that reporting this information to the Department Head or the supervisor would not result in corrective action.

An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

Law Enforcement Reporting Procedures

Personnel Administration is responsible for reporting any workplace violence incident that may be of a criminal or domestic violence nature to the appropriate law enforcement agency.

If a pattern of workplace violence incidents involving criminal conduct or serious injury develops, the Town of Yorktown will work with the District Attorney or local police department to develop a protocol to ensure that any future violent crimes occurring in the workplace are promptly investigated and appropriately prosecuted.

If an employee chooses to file a criminal complaint, the Town will provide the employee with the protocol and contact information for the District Attorney and/or police department. The Town will not infringe upon the right of an employee to pursue or file a criminal complaint.

DOSH Reporting Requirements

The Town is required to report any workplace violence related fatalities and multiple hospitalizations to the DOSH District Office within eight hours of the incident. (Refer to NYCRR Part 801 for complete information pertaining to employee recordkeeping and PESH reporting requirements).

DOSH will use the same criteria to review complaints as that utilized by the Public Employee Safety and Health (PESH) Program. Whenever there is a workplace violence incident resulting in an employee fatality or multiple employee hospitalizations, DOSH will conduct an on-site inspection. Other valid complaints that do not involve a fatality or multiple hospitalizations may result in an on-site inspection to determine if the Town is in compliance with the Workplace Violence Prevention Act.

INCIDENT INVESTIGATION

Risk Evaluation after a Workplace Violence Incident

The Town or its designee will perform a risk evaluation and determination immediately after the occurrence of a workplace violence incident. The investigation may take various forms, depending upon the type of incident.

Upon completion of its review, the Town will address the cause(s) of the incident and take the necessary steps to eliminate or reduce the likelihood of such an incident occurring again. The Town or its designee may also make recommendations for revising the Workplace Violence Prevention Program. Any revisions to the program will be put in writing and made available to employees. Employee training will be provided if significant changes to the program are made. The Town will also consider global prevention enhancements at all work sites which may be necessary to properly protect employees.

Annual Review of Workplace Violence Incident Reports

The Town is responsible for reviewing and updating the Workplace Violence Prevention Program at least annually. Part of this review will include summarizing the Workplace Violence Incident Reports and SH-900 Logs from the previous 12 months so they can be analyzed for any trends in the types of workplace violence incidents occurring and to review the effectiveness of the mitigating actions the Town has taken.

This form must be used to document any reportable workplace violence incident. For any Level I incident, an employee must submit this completed form to the Department Head or the supervisor within 48 hours of the occurrence. For all Level II and Level III incidents, this completed form must be submitted immediately. The Department Head or the supervisor is responsible for forwarding this form to the Personnel Officer and the Town Supervisor within the same timeframes.

Victim's Name	
Job Title	
Department / Location	
Date and Time of Incident	
Location of Incident	
Name / Job Title of Individual Completing this Report	
Date Incident Report Completed	
Date Incident Report Received by Town Supervisor	
Town Supervisor's Name / Signature	

List any individuals who may have witnessed this incident:

Witness Name	Witness Job Title	Witness Work Phone Number

Check the type of violence the victim experienced (Check all that apply):

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, including what happened immediately prior to the incident and how the incident ended: (use the back of this page if more room is needed)

Assailant / Perpetrator	<input checked="" type="checkbox"/>	Name	Address	City	State
Member of the Public	<input type="checkbox"/>				
Employee's Spouse	<input type="checkbox"/>				
Employee's Significant Other	<input type="checkbox"/>				
Employee's Supervisor	<input type="checkbox"/>				
Coworker	<input type="checkbox"/>				
Former employee	<input type="checkbox"/>				
Other (specify) _____	<input type="checkbox"/>				

Did police respond to the incident? Yes No

If yes, name of the Police Department _____

Was a police report filed? Yes No Police Report Number _____

Was the victim injured? Yes No

If yes, please specify the injuries and the name and location of the facility that provided medical care:

Did the victim lose any work days? Yes No If yes, number of days _____

Has the victim been informed of an Employee Assistance Program (EAP)? Yes No

Has the victim received counseling since this incident? Yes No

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

Are you aware of any measure that the Town has taken to avert this incident from occurring in the future?

Yes No Please describe: _____

Has the authorized employee representative been notified? Yes (Date) _____ No N/A

For Internal Town Use Only

Indicate the steps that have been taken to mitigate future incidents of a similar nature:

Action Taken	Date Completed

Indicate any steps currently being taken by the Town to mitigate future incidents and/or any interim protective measures being taken:

Action in Progress and/or Interim Protective Measures	Estimated Date of Completion

Indicate any other work sites, if applicable, that will require similar action to mitigate future incidents:

1.
2.
3.
4.
5.

As part of the Town's effort to provide a safe workplace and minimize the potential for workplace violence, we are requesting your feedback by completing the following survey. Although providing your name is optional, if further clarification is needed, it allows us to contact you directly. **Please complete this survey and return it to the Personnel Administration's office in a sealed envelope.**

Name / Job Title: (optional) _____

Department: _____

Work Location: _____

Workplace violence can be inflicted by an abusive employee, a supervisor, member of the public, family member, or even a stranger.

The following are examples of **Level I** types of workplace violence. During the last twelve months of your employment, have you been the victim of, or a witness to, any incident(s) of the nature listed below (check all that apply):

- None
- Verbal threat
- Harassment of any kind
- Shouting
- Intimidation/bullying
- Obscene language/gestures

Please describe any incident(s) in greater detail: _____

The following are examples of **Level II** types of workplace violence. During the last twelve months of your employment, have you been the victim of, or a witness to, any incident(s) of the nature listed below (check all that apply):

- None
- Threats of assault
- Obscene calls
- Being followed or stalked

Please describe any incident(s) in greater detail: _____

The following are examples of Level III types of workplace violence. During the last twelve months of your employment, have you been the victim of, or a witness to, any incident(s) of this nature (check all that apply):

- None Sexual assault Striking with hands or feet Pushing or grabbing
 Shooting Striking with an object Assault with biological or chemical material Stabbing

Please describe any incident(s) in greater detail: _____

Have you experienced any of the following: (check all that apply)

- Working alone during off hours where you felt unsafe Working in isolated areas or where your whereabouts are unknown to coworkers Poor security in and around building and parking lots Poor lighting in or around building and parking lots

What training do you feel would help create a more productive and safe work environment?

- Conflict resolution What to do if subjected to workplace violence How to prevent harassment in the workplace How to implement effective counseling and corrective discipline
 Other (please specify) _____

Please indicate any other concerns with respect to workplace violence that you would like to address: _____

Thank you for completing this survey.

I hereby acknowledge that I have received a copy of the Town of Yorktown's Workplace Violence Prevention Policy outlining the Town's policy, objectives, procedures, and regulations regarding violence in the workplace. I further acknowledge that I have read the contents of the program and understand all aspects of the program. If I need further clarification I will contact Personnel Administration or will contact my department head or supervisor.

I understand that the objectives, procedures and regulations in this program manual will remain in effect unless I am notified of changes.

I understand that the Town of Yorktown reserves the right to interpret, add to, or revise any part of this program manual, consistent with statutory requirements. Moreover, this program manual may be subject to alteration by changes in federal or state legislation, rules, and/or regulations.

I agree to abide by the Town of Yorktown's Workplace Violence Prevention Program's policies and procedures.

EMPLOYEE NAME (PLEASE PRINT)

EMPLOYEE SIGNATURE

DATE OF SIGNATURE

A copy of this form is to be placed in the employee's personnel file.

TOWN OF YORKTOWN**Training Acknowledgment Form**

I hereby acknowledge that I have received training on the dangers of workplace violence, identified risk factors and available prevention methods, and my responsibilities and rights with respect to addressing the potential for workplace violence. I have been informed of the Town's policy regarding workplace violence and the program and procedures in place to minimize risks.

DATE OF TRAINING

EMPLOYEE NAME (PLEASE PRINT)

SIGNATURE OF EMPLOYEE

DATE OF SIGNATURE

A copy of this form is to be placed in the employee's personnel file.