

Town of Patterson

Workplace Violence Prevention Program

Adopted by Resolution of the
Town Board on December 4, 2013

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Town of Patterson Workplace Violence Program

A. Intent

The Town of Patterson has a commitment to promoting a safe and secure work environment that promotes the achievement of its mission of serving the public. All elected officials, employees, volunteers and appointed individuals (hereafter called employees) of the Town of Patterson are expected to maintain a working environment free from violence, threats of harassment, and threats of violence, intimidation or coercion. Such acts that involve or affect the employees of the Town of Patterson will not be tolerated.

The purpose of this policy is to address the issue of potential workplace violence in Town of Patterson, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to follow when such violence has occurred. This policy is written to meet the requirements of NYS Labor Law, Section 27-b.

B. Policy

The Town of Patterson is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on the property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirement of NYS Labor Law 27-b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process include establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual workplace training program. The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The Town of Patterson has identified response personnel that include a member of management and an employee representative. If appropriate, the Town of Patterson will provide counseling services or referrals for employees.

Review of Policy – Board will review policy and make any necessary updates to committee at the annual reorganization meeting.

C. Scope of the Policy

All employees, appointed individuals, members of the public, vendors, contractors, consultants, and others who do business with the Town of Patterson, whether in a Town of Patterson facility or off-site location where Town of Patterson business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the Town of Patterson, such as former employees and visitors. This policy includes violence between employees, employees and public, and employees and contractors.

D. Definitions:

1. Workplace violence is any behavior that is violent, threatens violence, coerces, harasses, or intimidates others, interferes with an individual(s) legal rights of movement or expression, or disrupts the workplace, the work environment, or the Town of Patterson's ability to provide services to the public. Examples of workplace violence include but are not limited to:
 - a. Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, hand gestures, or waving arms and fists).
 - b. Intentional physical contact for the purpose of causing harm (such as slapping, jabbing, stabbing, punching, striking, or other physical attack).
 - c. Menacing or threatening behavior such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten. Behavior that creates a hostile work environment where a reasonable person would interpret such behavior as constituting evidence of intent to cause harm to individuals or property.
 - d. Possessing firearms, imitation firearms, BB guns, paintball guns, pellet guns, knives with blades longer than four inches or other dangerous weapons, instruments or materials. No one within the Town of Patterson workplace, with the exception of the police, shall have in their possession a firearm or other dangerous weapon, instrument, or material that can be used to inflict bodily harm on an individual or damage Town of Patterson property without specific written authorization from the Mayor/Supervisor regardless of whether the individual possesses a valid permit to carry the firearm or weapon. This restriction applies to firearms or weapons located in personal and commercial vehicles.
 - e. Harassing or threatening letters, phone calls, FAX, text messages, instant messages, web-posting, e-mails, and other forms of communication.
 - f. Threats or attempts to commit suicide.
 - g. Surveillance includes unapproved photos and video on cell phones, cameras, and/or camcorders.
2. Department Head is the person designated to supervise the activities and operation of departments in the Town of Patterson Government.
3. Chair is the appointed leader for the Boards or Committees:
4. Employee is any individual involved in the Town of Patterson government including: Elected officials, paid employees, appointed individuals and volunteers appointed to various Boards and/or Committees and are called employees herein.
5. Workplace includes any Town of Patterson -owned property (building, park, or parking lots) work site (road construction, and maintenance, tree and brush trimming and cutting, roadside mowing, culvert construction and maintenance, and snow and ice control operations, other similar locations and activities, and Town of Patterson -sponsored events.

E. Risk Factors

Potential risk factors include but are limited to:

1. Working in the public setting
2. Working late night or early morning hours
3. Exchanging money with the public
4. Working alone or in small numbers
5. Uncontrolled access to the workplace
6. Areas of previous security problems

F. Preventative Actions

The methods the Town of Patterson will use to prevent incidents of occupational assaults and homicides in the workplace include but are not limited to the following:

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

G. Reporting of Incidents

1. General Reporting Responsibilities

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any employee of the Town of Patterson. Workplace violence should promptly be reported to the appropriate Town of Patterson Official. (See H. Responsibilities) Additionally, employees are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined in D. Definitions. It is important that all employees of the Town of Patterson take this responsibility seriously to effectively maintain a safe working and learning environment.

2. Imminent or Actual Violence

Any employee experiencing or witnessing imminent danger or actual violence involving weapons or personal injury must immediately call 911 and notify their immediate supervisor.

3. Acts of violence Not Involving Weapons or Injuries to Persons

Any employee who is the subject of a suspected violation of this policy involving violence without weapons or personal injury, or is a witness to such suspected violation, must report the incident to their supervisor, or in lieu thereof to the Supervisor.

4. Commission of a Crime

All employees who believe a crime has been committed against them have the right and are encouraged to report the incident to the appropriate law enforcement agency.

5. False Reports

Employees who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action according to the collecting bargaining agreement and/ or referral to civil authorities as appropriate.

6. Incident Reports

The Supervisor will maintain an incident report file for the Town of Patterson.

H. Responsibilities

1. Town of Patterson Supervisor

The Town of Patterson Supervisor shall be responsible for the implementation of this policy for all Town of Patterson employees. The responsibility includes dissemination of this policy to all employees, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, and ensuring that all department heads are aware of their responsibilities under this policy through internal communications and training.

The Supervisor is responsible for responding to, intervening, and documenting all incidents of violence in the workplace for Town of Patterson employees. The Town of Patterson Clerk will immediately log all incidents of workplace violence.

2. Department Heads/ Chairs

Each Department Head or Chair with supervisory responsibility is responsible within their area of jurisdiction for the implementation of this policy. Department Heads and Chairs must report to the Supervisor any complaint of workplace violence made to them and any other incidents of workplace violence of which they become aware or reasonable believes to exist. Department Heads and Chairs must inform the Supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved. After having reported such complaint or incident to the Supervisor, the Department Head or Chair must keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings.

Department Heads and Chairs are required to contact the police by immediately calling 911 in the event of imminent or actual violence involving weapons or potential physical injuries.

3. Employees

Employees must report workplace violence, as defined above, to their Department Head or Chair. Recurring or persistent workplace violence that an employee reasonably believes is not being addressed satisfactorily, or violence that is, or has been, engaged in by the employee (s) Department Head or Chair should be brought directly to the attention of the Supervisor.

Employees who have obtained Orders of Protection are expected to notify their Department Head, Chair, and the Supervisor of any orders that list Town of Patterson locations as protected areas.

Victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their Department Head, Chair, or the Supervisor. Confidentiality will be maintained to the extent possible.

Upon hiring, and annually thereafter, employees will receive copies of this policy from the Town of Supervisor. Additionally, the policy will be posted throughout the Town of Patterson and be placed on the Town of Patterson website, as appropriate.

4. Supervisor's Responsibilities

The Supervisor is responsible for responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; and consulting with, as necessary, counseling services to secure professional intervention. The Supervisor shall ensure that employees receive appropriate training.

The Town Supervisor or designee is responsible for posting the policy in work areas throughout the Town of Patterson's properties and on the Town of Patterson website, and informing employees of the location of the written policy and how to obtain a copy. Each year, the Town Supervisor or designee will repost a copy of the policy after the re-organizational meeting, including any updates or revisions thereto.

I. Education

The Supervisor is responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. Additionally, annual training in conflict resolution and nonviolent self-defense responses will be provided along with measures employees can take to protect themselves from such risks, such as appropriate work practices and emergency procedures. Literature and a video will be available when desired from the Supervisor for employees self-training and refreshing.

J. Confidentiality

The Town of Patterson shall maintain the confidentiality of investigations of workplace violence to the extent possible. The Town of Patterson will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that the safety and well-being of employees of the Town of Patterson would be served by such action.

K. Retaliation

Retaliation against anyone who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline as provided in appropriate laws, rules, regulations, policies, and according to the collective bargaining agreement up to and including termination.

L. Employee Security Survey

Employees will be encouraged periodically to complete the attached Employee Security Survey. The information obtained from the survey will be used to improve the security of the workplace for the employees and to make appropriate revisions to this policy. The Town of Patterson Supervisor or designee will be responsible to conduct the survey when desired, to analyze the information, and to take appropriate corrective action.

M. Workplace Violence Incident Report

Workplace violence should not be ignored and employees are encouraged to report incidents of violent behavior. Reporting of incidents will enable the Town of Patterson to maintain a safe working environment. The attached Workplace Incident Report shall be used to document specific incidents and should be kept in the incident report file with the Town of Patterson Supervisor.

N. Record Keeping

Currently, public employers are required to record and report workplace violence incidents in accordance with New York State Labor Law, Section 27-a (Public Employer Safety and Health Act). NYCRR Part 801 of that Law, Recording and Reporting Public Employees Occupational Injuries and Illnesses, specifies conditions for employer recordkeeping and reporting requirements. Specifically, an employer is required to record an employee workplace violence injury if it results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid and loss of consciousness. Additionally, employers should utilize accident and illness record keeping information to ensure that their written workplace violence prevention plan is effective as possible. Employers are also required to report employee workplace violence related fatalities and multiple hospitalizations to the Department's Public Employee Safety and Health (PESH) Bureau within 8 hours of the incident by calling the Albany office: 1-518-447-5508. (Refer to NYCRR Part 801 for complete information pertaining to employee record keeping and PESH reporting requirements.)

O. Program Review

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

Appendices

- Appendix 1
- Appendix 5
- Appendix 6

Appendix 1 Part 800.6(e)(1)

Workplace Violence Prevention Policy Statement

The Town of Patterson is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Workplace Violence is defined as any physical assault or 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:

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

Acts of violence against (Employer's Name) employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients and visitors, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

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

- The evaluation of the physical environment;
- The development of the Workplace Violence Prevention Program and;
- The review of 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.

All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification.

All Town of Patterson personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person:

Name: Sue Brown

Title: Secretary to Town Supervisor/HR

Department: Supervisors Office

Phone#: 845-878-6500

E-mail: supervisor@pattersonny.org

APPENDIX 5 Part 800.6(i)(3)

Workplace Violence Incident Report

- 1. Date of Incident _____
- 2. Time of day/shift when the incident occurred _____
- 3. Workplace Location where incident occurred _____

- 4. Provide a detailed description of the incident including:
 Events leading up to the incident and how the incident ended;
 Names and job title of involved employee(s);
 Name or other identifier of other individuals involved;
 Nature and extent of injuries arising from the incident and;
 Name(s) of witnesses

Name of Employee Reporting the Incident (Optional)

Note: Refer to 12 NYCRR Part 800.6 Section (i)(3)(ii) for special instruction on privacy concern cases.
Print additional sheets if necessary.

Appendix 6 Workplace Violence Prevention Training Outline

Town of Patterson 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.