

CITY OF NORTH TONAWANDA
WORKPLACE VIOLENCE & ABUSIVE WORK ENVIRONMENT PREVENTION PROGRAM

INTRODUCTION

The City of North Tonawanda, New York is committed to providing a safe work environment for all employees. The City of North Tonawanda will respond promptly to threats, acts of violence, and acts of aggression by employees or against employees by co-workers, members of the public or others. In the interest of providing a workplace environment free from acts and threats of violence, the City of North Tonawanda (the "City") has adopted this ZERO tolerance policy.

The term "workplace violence" is defined as any physical assault, threatening behavior or verbal abuse occurring in the work setting. The City of North Tonawanda prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating *or bullying* conduct in the workplace. Prohibited conduct includes, but is not limited to:

- Acts and/or threats of violence by or against any employee, customer, contractor or visitor of the City
- Acts and/or threats of violence by off-duty employees while on City property
- Acts and/or threats of violence by off-duty employees against another employee, customer, contractor or visitor of the City are strictly prohibited, even if they occur away from the City's premises
- Acts of vandalism or the intentional or reckless destruction of City property or equipment, or the property and equipment of City employees, customers, contractors, or visitors
- All employees, customers, contractors and visitors of the City are prohibited from possession of weapons or explosives of any kind (ex. Firearms, knives, mace, pepper spray etc.) while on duty or on City property, except law enforcement personnel and those who must do so in the course of their work. Waiver of this provision shall be given on an employment position basis by the City Attorney.

PROHIBITED CONDUCT

No person may engage in violence conduct or make threats of violence, implied or direct, on City property, or while in work status for the City. This includes but is not limited to:

- The use of force with the intent to cause harm, ex. hitting, striking, pushing, shoving, tripping an individual or throwing objects
- Threatening to harm an individual or his/her family, friends, associates, or their property, with intent to intimidate, threaten, coerce or cause fear of harm whether directly or indirectly

- Acts or threats made directly or indirectly by oral or written words, gestures or symbols that communicate a direct or indirect threat of physical or mental harm
- The intentional destruction or threat of destruction of property and/or equipment owned, operated or controlled by the City
- Making harassing or threatening telephone calls, letters or other forms of written or electronic communications

CITY MAYOR

The Mayor shall be responsible for the implementation of this policy. The responsibility includes distribution of this policy to members of the city workforce, ensuring appropriate investigation and follow-up reported incidents of workplace violence, appointing a workplace violence advisory team, and ensuring that administrators, managers and supervisors are aware of their responsibilities under this policy through internal communications and training.

WORKPLACE VIOLENCE ADVISORY TEAM

The Mayor will establish a Workplace Violence Advisory Team. This team, working with the Mayor will assist/advise the Mayor to:

- Perform a risk evaluation of the workplace to determine the presence of factors or situations that might place employees at risk of workplace violence; a risk evaluation must be completed on an annual basis
- Assess the readiness for dealing with workplace violence
- Facilitate appropriate responses to reported incidents of workplace violence;
- Assess the potential problem of workplace violence and recommend policy, training issues, or security procedures that should be implemented to maintain a safe working environment;
- Evaluate incidents to prevent future occurrences
- Utilize prevention, intervention, and interviewing techniques in responding to workplace violence
- Develop workplace violence prevention tools (such as pamphlets, guidelines and handbooks) to assist in recognizing and preventing workplace violence
- Arrange regularly scheduled workplace violence prevention training sessions for employees

IDENTIFICATION OF RISKS

The City has identified the following potential risks:

- Irate residents who may be or become angry over a decision or action of a City employee, Board or other decision maker
- Individuals who are or appear to be under the influence of alcohol or drugs

- Individuals who become or may become angry at a City athletic or recreation event
- Individuals who seek to steal money or other City property
- Violence or threats directed to City employees for personal reasons, by their family members, partners or other individuals
- Individuals who become angry with City employees after an accident
- Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City
- Harassing surveillance, also known as “stalking,” the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety
- Making a suggestion or otherwise intimidating that an act to injure persons or property is “appropriate,” without regard to the location where such suggestion or intimidation occurs
- Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City property
- Intimidating, belligerent, harassing, bullying or other inappropriate and aggressive behavior
- Numerous conflicts with supervisors and other employees
- Drug/alcohol abuse
- Extreme changes in individual’s behavior
- Employment situations/factors including
 - Working in public setting
 - Working late night or early morning hours
 - Exchanging money with the public
 - Working alone or in small numbers
 - Working in a setting with uncontrolled access to the workplace
 - Working in a setting where previous security problems have occurred
 - Having a mobile workplace assignment
 - Working with a population which might expose one to potentially violent persons (ex. Health care, social service or criminal justice)
 - Having duties that include the delivery of passengers, goods or services
- Employee issues
 - Negative performance review
 - Unwelcomed change in role due to performance or reorganization
 - Criticism of performance
 - Increased workload or pressure

METHODS TO PREVENT WORKPLACE VIOLENCE

The City will attempt to minimize and prevent workplace violence. Among the measures, the City will:

- Where appropriate, provide employees with cellular telephones so that emergency assistance may be summoned
- Discourage individuals from working alone
- Where possible and appropriate, install barriers between employees and members of the public
- Maintain good lighting
- Post signs stating that limited cash is on hand
- Minimize the amount of cash on hand
- Establish and implement a system for reporting incidents of aggressive *or bullying* behavior
- Institute a program of periodic training for employees as appropriate
- In response to telephone inquiries, do not release information about coworkers' schedules, home or cell phone numbers or other personal information
- In the event of suspicious conduct, request the credentials of any stranger who enters your office to do repair or other service work. If necessary, verify the work request with the supervisor

ABUSIVE WORK ENVIRONMENT

The City also has a zero tolerance policy for reports of an employee having to work in an abusive work environment. An abusive work environment means an employment condition where one or more employees acting with intent to cause pain or distress to an employee, subjects that employee to abusive conduct that causes physical harm, psychological harm or both.

Abusive conduct means acts, omissions or both that a reasonable person would find abusive, based on the severity, nature and frequency of the conduct, including, but not limited to:

- Repeated verbal abuse such as the use of derogatory remarks, insults and epithets
- Verbal, non-verbal or physical conduct of a threatening, intimidating or humiliating nature, or
- The sabotage or undermining of an employee's work performance.

It shall be considered an aggravating factor if the conduct exploited an employee's known psychological or physical illness or disability. A single act normally shall not constitute abusive conduct, but an especially severe and egregious act may meet this standard.

Reports of an abusive work environment shall be made pursuant to reports under this policy.

REPORTS OF VIOLATIONS

The City will not tolerate any violations of this policy. Any violations of this policy must be reported, **in writing**, to the employee's supervisor immediately. Reports or incidents that warrant confidentiality will be handled appropriately and information will only be disclosed on a need-to-know basis.

Any person experiencing or witnessing imminent danger or personal injury or violence involving weapons or actual violence should call 911 immediately.

The Supervisor, upon receipt of a written report of a violation of this policy shall immediately conduct a preliminary inquiry into the facts and circumstances and determine if there is

1. An immediate threat of violence. If so, the local police and emergency medical personnel shall be notified if not already done, and thereafter follow the procedures outlined below in (2) and (3)
2. Serious misconduct or criminal behavior by a City employee. If so the supervisor/City Attorney shall investigate and involve law enforcement if necessary.
3. No immediate threat of violence and no serious misconduct or criminal behavior by a City employee. In that event the Supervisor/City Attorney will:
 - a. Continue the investigation
 - b. Resolve/mediate the matter
 - c. Initiate disciplinary action, if appropriate

Individuals found to be in violation of this policy may be removed from City property.

Employees who commit a violation of this policy may be subject to disciplinary action up to and including discharge, criminal prosecution and/or civil prosecution as appropriate.

SUPERVISORS

Each department head, executive officer, administrator, or other person with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors are required to contact the City of North Tonawanda Police Department immediately in the event of imminent or actual violence involving weapons or potential physical injuries. Supervisors must also inform their immediate supervisor, if any, and the City Attorney about any complaints, acts or threats under this policy even if the situation has been addressed and resolved. Every supervisor is also obligated to report any knowledge of such conduct to the Office of the Mayor immediately. Failure of a supervisor to investigate and initiate appropriate action may result in administrative action including possible discipline.

RETALIATION

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

POLICY DISTRIBUTION

All employees and contractors of the City will be given copies of this Policy. All new employees will be provided with a copy of this policy at the time of their orientation. Additional copies of this Policy will be posted at designated locations in the workplace. The City will provide opportunities for employees to be trained in the risk factors associated with workplace violence, and proper handling of emergency situations in order to minimize the risks of violent incidents occurring in the workplace.