

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

- A. **PURPOSE:** The City of Ogdensburg maintains a zero tolerance standard of violence in the workplace. The purpose of this policy is to provide City of Ogdensburg employees guidance that will maintain an environment at and within City of Ogdensburg property and events that is free of violence and the threat of violence.
- B. **POLICY:** Violent behavior of any kind or threats of violence, either implied or direct, are prohibited in City of Ogdensburg buildings and properties, or while engaged in activities for City of Ogdensburg in other locations, or at City of Ogdensburg sponsored events. Such conduct by a City of Ogdensburg employee will not be tolerated. An employee who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including dismissal. Violent threats or actions by a non-employee may result in criminal prosecution. City of Ogdensburg will investigate all complaints filed and will also investigate any possible violation of this policy of which we are made aware. Retaliation against a person who makes a complaint regarding violent behavior or threats of violence made to him/her is also prohibited.
- C. **DEFINITIONS:**
- (1) **Workplace Violence:** Behavior in which an employee, former employee or visitor to a workplace inflicts or threatens to inflict damage to property, serious harm, injury or death to others at the workplace.
  - (2) **Threat:** The implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.
  - (3) **Intimidation:** Making others afraid or fearful through threatening behavior.
  - (4) **Zero-tolerance:** A standard that establishes that any behavior, implied or actual, that violates the policy will not be tolerated.
  - (5) **Court Order:** An order by a Court that specifies and/or restricts the behavior of an individual. Court Orders may be issued in matters involving domestic violence, stalking or harassment, among other types of protective orders, including Temporary Restraining Orders.
  - (6) **Deadly weapon:** Any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles.
- D. **PROHIBITED BEHAVIOR:** Violence in the workplace may include, but is not limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor or member of the public:
- (1) Direct threats or physical intimidation.
  - (2) Implications or suggestions of violence.

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

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

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

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

F. **REPORTING ACTS OR THREATS OF VIOLENCE:** An employee who:

- (1) is the victim of violence, or
- (2) believes they have been threatened with violence, or
- (3) witnesses an act or threat of violence towards anyone else shall take the following steps:

- (a) If an emergency exists and the situation is one of immediate danger, the employee shall contact the local police department by dialing 9-1-1, and may take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area.
- (b) If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete the City of Ogdensburg Workplace Violence Incident Report Form.

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

Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy of the signed order to their supervisor. The supervisor shall provide copies to the City Manager, the Personnel Aide and the police.

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

Procedures for investigating incidents of workplace violence include:

- (1) Visiting the scene of an incident as soon as possible.
- (2) Interviewing injured and threatened employees and witnesses.
- (3) Examining the workplace for security risk factors associated with the incident, including any reports of inappropriate behavior by the perpetrator.
- (4) Determining the cause of the incident.
- (5) Taking mitigating action to prevent the incident from recurring.
- (6) Recording the findings and mitigating actions taken.

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

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

- (1) Notification of Police Department when a potential criminal act has occurred.
- (2) Provision of emergency medical care in the event of any violent act upon an employee.
- (3) Post-event trauma counseling for those employees desiring such assistance.
- (4) Assurance that incidents are handled in accordance with the Workplace Violence Prevention policy.
- (5) Requesting City of Ogdensburg's attorney file a restraining order as appropriate.

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

Training and instruction shall be provided as follows:

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

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

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

In addition, specific instructions shall be provided to all employees regarding workplace security hazards unique to their job assignment.