

## VILLAGE OF EAST NASSAU

### POLICY AGAINST WORKPLACE VIOLENCE

**WHEREAS**, Section 27-b of the Labor Law requires public employers to develop and implement programs to prevent workplace violence.

**NOW, THEREFORE**, be it resolved, that the Board of Trustees of the Village of East Nassau does hereby adopt the following policy against workplace violence.

**POLICY:** It is the Village's policy to promote a safe environment for its employees. The Village is committed to working with its officers and employees to provide a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. While this kind of conduct is not common, no organization is immune. This policy outlines officers' and employees' responsibilities to prevent workplace violence.

**ZERO TOLERANCE:** The Village has a zero tolerance and will not tolerate violence, threats, harassment, intimidation, and other disruptive behavior, either physical or verbal, that occurs in the workplace or other areas. This applies to members of the Board of Trustees and management, co-workers, employees, and non-employees such as contractors, customers, tenants, and visitors. Workplace aggression or violence can include oral or written statements, gestures or expressions that communicate a direct or indirect threat of physical harm, damage to property or any intentional behavior that may cause a person to feel threatened. Everyone's cooperation is needed to implement this policy effectively and to maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If anyone observes or experiences such behavior, report it immediately to a Manager and to the Mayor or a Trustee.

**NOTE: REPORT ALL THREATS OR ASSAULTS THAT REQUIRE IMMEDIATE ATTENTION TO THE POLICE!**

#### **DEFINITIONS:**

**"Damaging Property"** means intentionally damaging or defacing or destroying property owned, controlled or leased by the Village or its employees, vendors, or visitors.

**"Intimidating"** means an intentional act that would cause a reasonable person to fear that s/he is in danger of injury or harm.

**"Stalking"** means an intentional or knowing course of conduct directed toward another person if that conduct either would cause a reasonable person to fear for that person's safety and that person in fact fears for his or her safety, or would cause a reasonable person to fear death and/or that person in fact fears death.

**"Threatening"** means expressing intent to cause harm.

**"Village Employee" or "Employee"** As used in this policy, Village employee or employee means all elected and appointed officials, all paid employees, and all members of the Village's Boards and Committees.

**"Violence"** includes, but is not limited to, intentionally threatening, intimidating, physically injuring, stalking, and damaging property or using a weapon or firearm, unless the individual doing so is a certified law enforcement officer acting within the course and scope of his/her duties.

**"Workplace" or "Village Premise"** includes all Village-owned, -controlled, or -leased premises, including satellite locations, any location where Village business is conducted, or at which employees represent the Village, including while attending meetings or conferences, or while riding in Village-owned or -leased vehicles.

**PROHIBITED CONDUCT:** Prohibited conduct includes, but is not limited to;

- Injuring another person physically,
- Creating a reasonable fear of injury to another person,
- Possessing, brandishing, or using an explosive, munitions, or any other similar device while on Village premises or engaged in Village business,
- Intentionally damaging property,
- Threatening to injure an individual or damage property by any means, including verbal, written, direct, indirect or electronic means,
- Committing injurious acts motivated by, or related to, domestic violence, discrimination or sexual harassment,
- Using abusive or vulgar language towards another person as an insult or in anger,
- Violating a restraining order, order of protection, injunction against harassment or other court order,
- Possessing, brandishing, or using a firearm in a Village vehicle or in a personal vehicle while on Village business.

**EXPECTED EMPLOYEE CONDUCT:** All employees are required to display common courtesy and to engage in safe and appropriate behavior on the job at all times. All employees are expected to comply with this policy. Any involvement in incidents of physical violence or strenuous horseplay is considered dangerous and unacceptable behavior.

**PROHIBITION AGAINST WEAPONS:** The Village will not tolerate employees being in the possession of any weapons, including weapons transported in Village vehicles or in employee personal vehicles while on Village business, including inside the workplace. When working outside the Village premises, employees are prohibited from possessing, carrying or transporting weapons while conducting Village business. Carrying of concealed weapons while performing work as an employee is prohibited. Weapons include guns, explosives, and other potential weapons. The exception to this will be any Animal Control Officer while performing his/her duties.

**GENERAL SAFETY PRACTICES:** An employee should never hesitate to call the police (911), if s/he has safety concerns or is confronted with a potentially violent situation. It is better to have called unnecessarily than not to have appropriate personnel available when there is a threatening situation. An employee should never attempt to physically restrain or physically remove a threatening or violent individual by him/herself. Always report violent, threatening or harassing behavior to the supervisor/manager and/or the Village Mayor. Alert the supervisor/manager or the Village Mayor of the presence of strangers in the work area or the presence of any suspicious package.

**REPORTING PROCEDURES AND INVESTIGATION:** Prompt and accurate reporting of all workplace violence incidents to the Village Mayor, whether a physical injury occurred or not, is required. The Village Mayor in conjunction with the Village Trustees and legal counsel shall conduct any investigation and produce a written report.

**RESTRAINING ORDERS/ORDER OF PROTECTION/INJUNCTION:**

Occasionally an employee will seek an order of protection for restraining a person from committing an act, including domestic violence. When an employee has sought an order of protection, or injunction against harassment, the employee must provide the following to their supervisor/manager and/or the Village Mayor;

- A copy of the order of protection, injunction against harassment, and documents indicating service of process, and
- A recent photo of the person

**THREATENING PHONE CALL OR WRITTEN OR ELECTRONIC MESSAGE:**

If an employee receives an obscene or threatening telephone call, or written or electronic message, s/he should save the message if possible and immediately notify their supervisor/manager and the Village Mayor.

**INDICATORS OF POTENTIALLY VIOLENT BEHAVIOR:** If an employee observes any of the indicators of potentially violent behavior, it is the employee's responsibility to notify his/her supervisor/manager so that the situation can be addressed and does not escalate. Indicators can include;

- Direct, indirect or veiled threats of harm,
- Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior,
- Numerous conflicts with supervisors/managers and other employees,
- Bringing a weapon to the workplace, brandishing a weapon in the workplace, making inappropriate references to guns, or a fascination with weapons,
- Statements showing fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace violence,
- Statements indicating desperation (over family, financial, and other personal problems), to the point of contemplating suicide,
- Drug/alcohol abuse, and
- Extreme changes in behavior.

**CONFIDENTIALITY:** The Village will make every effort to keep reports confidential. The information will be kept as confidential as possible, except where there is a need to know in order to reach a solution to the problem.

**DISCIPLINE:** Individuals who commit acts of violence or threats will be subject to removal from the Village premises and will be subject to disciplinary action, if an employee, up to and including termination, and possible criminal penalties. The Village will promptly investigate any;

- Physical or verbal altercation,
- Threats of violence,
- Other conduct by an employee that threatens the health or safety of other employees or the public or otherwise involves a breach of or departure from Village policy.

All incidents of physical altercations by an employee will be treated as gross misconduct and will result in disciplinary action, up to and including termination of employment. Pending the outcome of any investigation, the Village may immediately suspend an employee for any alleged violation of Village policy. At the conclusion of the investigation, appropriate action will be taken, up to and including termination of employment. The Village may seek the prosecution of all those who engage in violence on its Village premises or against its employees while they are engaged in Village business.

**RETALIATION PROHIBITED:** Victims of workplace aggression and witnesses will not be retaliated against in any manner. No employee will be subject to discipline for reporting a threat or for cooperating in an investigation. Employee cooperation is required. An employee who initiates, participates or is involved in retaliation or obstructs an investigation into a threat is subject to discipline, up to and including termination. Employees who believe they have been retaliated against must immediately report the matter to the Village Mayor. Where reporting to the Village Mayor creates a conflict for the Mayor, the report should be given to the Village Deputy Mayor.

**EFFECTIVE DATE AND POLICY DISTRIBUTION:** This Policy will go into effect September 11, 2019 and will be reviewed from time to time as may be appropriate. The Village of East Nassau shall ensure that this Policy is adequately disseminated and made available to all employees of the Village. A copy of this Policy shall be given to each new employee upon election or appointment. In addition, copies of this Policy and Complaint Form shall be maintained in the Village's Policy Book that is available at the Village Office.

ATTACHMENT A: Workplace Violence Best Practices.

ATTACHMENT B: Acknowledgement of Receipt of Village's Policy Against Workplace Violence.

END OF POLICY

## ATTACHMENT A

### WORKPLACE VIOLENCE BEST PRACTICES

#### **ENDING AN ABUSIVE TELEPHONE CALL:**

- Interrupt in a courteous but firm tone.
- Make it clear that abusive behavior is not acceptable, and that you will end the conversation if they don't stop. Report the abusive call to your supervisor/manager.
- Halt the call in a courteous but firm tone if the abusive person calls again.
- Make it clear that abusive behavior is not acceptable, and that you will forward the call to your supervisor/manager if they don't stop.
- Put the caller on hold.
- Report the holding caller to your supervisor/manager.
- Forward the caller to your supervisor/manager.

**IDENTIFYING A POTENTIALLY VIOLENT PERSON:** Signs that a person is potentially violent may include, but are not limited to;

- Their face is turning red or white,
- Their expression is angry, sneering, or glaring,
- They are pacing, making nervous, repetitive, or violent movements, shaking, clenching their jaw or fists, approaching too near, or perspiring heavily, their breathing is shallow or rapid,
- They are using a loud voice and/or abusive language,
- If you notice these signs, TAKE ACTION. Get help from your supervisor/manager immediately!

#### **COMMUNICATING WITH A POTENTIALLY VIOLENT PERSON:**

- DO NOT confront the person by glaring or staring.
- Remain calm and use a calm manner.
- Speak slowly and clearly in a sure tone.
- DO NOT attempt complicated explanations during a tense situation.
- Ask the person to talk and pay close attention.
- DO NOT advise the person to relax or be calm.
- Use silence to placate the person.
- DO NOT defy, criticize, insult, interrupt or patronize.
- DO NOT crowd the person. Allow them about 2 to 4 feet of space.
- DO NOT fight with the person.
- Leave the situation and if necessary, get help from the police.

#### **PROBLEM SOLVING WITH A POTENTIALLY VIOLENT PERSON:**

- Try to see the situation from the person's point of view in order to figure out how to fix the problem.
- DO NOT take the situation lightly.
- Direct the person's attention to the issue.

- Ask the person how to fix the problem.
- Be positive about criticism. If you agree with it, admit this. If you disagree, try to discuss the situation.
- DO NOT lie or make unreasonable commitments.
- Make minor requests, such as taking the discussion to a quiet area.
- Divide the problem into smaller chunks and deal with them one at a time.
- Be clear about the consequences of violence and provide other options.
- If the person is an employee, do not discuss discipline until the stability of the situation has improved.
- DO NOT immediately turn down the person's request.
- DO NOT try to negotiate with someone who is making threats. End the conversation calmly and, if necessary, get assistance.

**IN THE EVENT OF A ROBBERY:**

- Stay calm.
- Do not argue.
- Listen.
- Do not follow or attempt to capture the thief—this places you and others in great danger.
- Do not surprise the thief or move unexpectedly.
- Try to be observant and remember details;
  - ✓ What is he/she wearing,
  - ✓ What does he or she look like? How tall are they,
  - ✓ What color hair does he or she have,
  - ✓ Does he or she have any unusual characteristics such as tattoos or piercings,
  - ✓ If he or she had a weapon, describe it, and
  - ✓ After he or she leaves, try to avoid touching anything the thief has touched. Make a note of the items that were touched.

**AFTER A ROBBERY:**

If you can do so safely, record the license plate and the make and model of the vehicle the thief used;

- NEVER try to chase the thief,
- Notify police immediately by calling 911 and provide them with as much information as possible including the route the thief took when leaving (remember not to try to follow the thief ),
- Record all information observed about the thief,
- Lock all doors and do not let anyone enter,
- Ask all witnesses to remain until police arrive,
- Contact your supervisor/manager or the Village Mayor,
- Do not discuss the robbery with media or bystanders, and
- Cooperate fully with the police investigation.

**ROAD RAGE SITUATIONS:**

Employees are reminded to avoid potential road rage situations. The following are some best practices for avoiding road rage;

- Plan your route in advance (frustration or erratic behavior is more likely if you are lost).
- If you feel yourself getting upset, open the window, breathe deeply and listen to relaxing music.
- Consciously decide not to let traffic delays or other peoples' driving habits affect your driving.
- Acknowledge your mistakes which can reduce conflict.
- Be courteous and considerate.
- Do not compete or retaliate.
- Leave traffic enforcement to the police.
- Avoid heavy meals before driving which can make you lethargic.
- Avoid honking your horn unless necessary,
- If you are being physically threatened, stay in your vehicle, lock the doors and call the police.
- If you are being followed, do not drive to your home. Drive to the nearest gas station, police or fire station, remain in your vehicle and honk your horn repeatedly until someone assists you.

ATTACHMENT B

ACKNOWLEDGEMENT OF RECEIPT OF VILLAGE'S POLICY AGAINST  
WORKPLACE VIOLENCE

From: Village Mayor  
To: Village of East Nassau officials and employees  
Subject: Policy Against Workplace Violence

The Village is committed to protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without being subjected to violence in the workplace. It is the Village's policy to provide a workplace environment that is free of workplace violence.

The Village has adopted a Policy Against Workplace Violence. Please sign the attached acknowledgement that you have received a copy of the Policy, have reviewed it and have been afforded an opportunity to ask any and all questions you may have regarding this Policy. Return the signed acknowledgement to the Village Clerk.

Thank you for your assistance in this matter. If you have any further questions regarding this Policy, feel free to contact the Village Clerk.

ACKNOWLEDGEMENT OF RECEIPT OF VILLAGE'S POLICY AGAINST  
WORKPLACE VIOLENCE:

I, \_\_\_\_\_, have received the Village's Policy Against Workplace Violence. I have reviewed this Policy and I have had the opportunity to ask any and all my questions regarding the Policy.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date