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	<i>Subject</i> <b>148.0 Workplace Violence Prevention</b>	
	<b>ISSUED: January 24, 2011</b>	<b>EFFECTIVE: January 24, 2011</b>
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## Workplace Violence Prevention Safety

### 148.1 PURPOSE

The purpose of this policy is to ensure that the risk of workplace violence is properly evaluated by the Department. The New Paltz Police Department as well as the Town of New Paltz has a zero-tolerance violence policy and considers the safety and security of its employees to be a priority. Therefore, threats, threatening behavior, acts of violence and any related conduct including, but not limited to, physical violence, verbal or written threats or intimidation, intimidating gestures or actions, and violence against property will not be tolerated.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on Town property may be removed from the premises pending the outcome of an investigation. Threats, threatening behaviors, or other acts of violence executed off Town property that are directed at employees are also in violation of this policy. Off-site threats include, but are not limited to, threats made via the telephone, fax, electronic or conventional mail, or any other form of communication.


### 148.2 POLICY

Consistent with applicable law, including Section 27-b of the New York State Labor Law, the Town and Department will evaluate its workplace(s) to determine the presence of factors or situations in such workplace(s) that might place employees at risk of occupational assaults or homicides. Further, that the Town and Department will develop and implement a written workplace violence prevention program for its workplace(s) as more fully described herein.

Members found in violation of this policy will be subject to disciplinary action in accordance with NYS Law and the collective bargaining agreement. Members are responsible for notifying the contact person designated below of any threats they have witnessed, received or have been told that another person has witnessed or received. Employees should also report behavior they regard as threatening of violence if that behavior is work-related or might be carried out on a work-site.


### 148.3 DESIGNATED CONTACT PERSON

Neil Bettez, Town Supervisor  
845-255-0604  
Town Hall, 52 Clearwater Road

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### **148.4 DEFINITIONS**

- A. Workplace Violence - any physical assault, threatening behavior, verbal abuse occurring where a public employee performs any work-related duty in the course of their employment.
1. A reportable workplace violence incident is defined as one or more of the following:
    - i. An attempt or threat whether verbal or physical to inflict injury upon a person.
    - ii. Any intentional display of force which would give a person reason or fear to expect bodily harm.
    - iii. Intentional and wrongful physical contact with a person without their consent that entails some injury or offensive touching.
    - iv. Harassment of a nature that would give a person reason to fear escalation or make it difficult to pursue a normal work life or private life when harassment arises out of or in the course of employment.
    - v. Stalking a person with the intent of causing fear when such stalking has arisen through or in the course of employment. An incident may be committed without one person actually touching or striking or doing bodily harm to another person.
- B. Employer – means (1) the state; (2) a political subdivision of the state, provided, however that this subdivision shall not mean any employer as defined in section twenty-eight hundred one-a of the education law; and (3) a public authority, a public benefit corporation, or any other governmental agency or instrumentality thereof.
- C. Employee – a public employee working for an employer.
- D. Workplace – any location away from an employee’s domicile, permanent or temporary, where an employee performs any work-related duty in the course of their employment by an employer.
- E. Supervisor – any person within an employer's organization who has the authority to direct and control the work performance of an employee, or who has the authority to take corrective action regarding the violation of a law, rule or regulation to which an employee submits written notice.

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F. Retaliatory Action – the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.


### **148.5 PROCEDURES**

#### A. Risk Evaluation

1. The Department will evaluate its workplace(s) to determine the presence of factors or situations in such workplace(s) that might place employees at risk. Corrective action will be taken to prevent or minimize the risk of workplace violence when factors have been identified. A hierarchy of controls will be implemented to address risk factors that cannot be completely eliminated.
2. The hierarchy of controls includes:
  - i. Engineering controls-to reduce the hazard through substitution or design;
  - ii. Work practice controls-to reduce the hazard by changing organizational policies and/or procedures; and
  - iii. Personal protective equipment where appropriate and applicable

#### B. Workplace Violence Prevention Program

1. The Chief of Police will develop and prepare a written program which includes the following list of risk factors:
  - i. working in public settings (i.e. social services, police officers, firefighters, service workers)
  - ii. working late night or early morning hours
  - iii. exchanging money with the public
  - iv. working alone or in small numbers
  - v. uncontrolled access to the workplace
  - vi. areas of previous security problems
2. The methods the Department will use to prevent incidents of occupational assaults and homicides at such workplace(s), include but are not limited to:
  - i. making high risk areas more visible to more people
  - ii. installing good external lighting

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- iii. using drop safes or other methods to minimize cash on hand
- iv. posting signs stating that limited cash is on hand
- v. providing training in conflict resolution and nonviolent self-defense responses
- vi. establishing and implementing reporting systems for incidents of aggressive behavior

3. Dissemination of directives; state law; policy; forms and reports.

- i. All members will be provided with a copy of New Paltz Police Department Policy and Procedure 148.0, “Workplace Violence Prevention”, containing all relevant law, policy and procedure.
- ii. New Paltz Police Department Policy and Procedure 148.0, “Workplace Violence Prevention” will explain requirements of NYS Labor Law and copy of law, including the duty to report violations; notification of command staff; notification of Chief;
- iii. The Town will aggressively investigate all allegations of violence in the workplace and take appropriate actions to remedy same. Employees *must* report violent or aggressive behavior in the workplace to a supervisor promptly.

4. Measures that employees can take to protect themselves from risks;


- i. Communication – the Department recognizes that maintaining a safe, healthy and secure workplace requires open two-way communication between all members, including supervisors and administration.
  - 1. Examples of department communication methods include:
    - a. Field training of new members as well as annual in-service training.
    - b. Reinforcing a zero-tolerance approach to workplace violence through the use of training, signs and posters.
    - c. Recognition of employees who perform work practices which promote security in the workplace.
    - d. Ensure annual training is provided to all members to increase their understanding and compliance with methods of reporting incidents.
    - e. Maintaining a discipline system in compliance with applicable law and the collective bargaining agreement.
  - ii. High risk areas - should be most visible to the most people.
  - iii. Interaction with the public will generally be handled by use of a bullet-resistant glass panel with two-way intercom and pass-through compartment for papers, etc. Monitoring of the police department will be facilitated via a closed-circuit camera system which is monitored in the Dispatch Center.

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- iv. Good lighting - The Police Department Building, including all external areas such as parking lots and walkways, should be well-lit at all times when such areas are occupied and in use. Lighting defects (interior and exterior) will be brought to the attention of a supervisor who will ensure notification of the Maintenance Department staff.
- v. Use of drop safes (lock box) or other methods to minimize cash on hand (timely and routine deposits; record-keeping including receipts for all money exchanges whether negotiable or nonnegotiable items). Cash shall be handled according to department policy and rules.
- vi. Communication skills
  - 1. Members should employ conflict resolution, de-escalation and nonviolent self-defense responses when dealing with persons in crisis, disorderly persons, persons with weapons, combative or threatening persons.
  - 2. Members should immediately alert a coworker or the NPPD Communications Control via radio or telephone and maintain radio communication to provide status reports of the situation. Civilian personnel should immediately alert a sworn member (police officer) when dealing with disorderly persons, persons with weapons, combative or threatening persons.

### **148.6 REPORTING**

- A. Incidents of workplace violence, including threats of workplace violence or observation of workplace violence, should be promptly reported to a supervisor or Department Head, as well as completing and filing a Workplace Violence Incident Report Form with the Designated Contact Person listed in section 148.3.
- B. Any employee or representative of employees who believes that a serious violation of a workplace violence protection program exists or that an imminent danger exists shall bring such matter to the attention of a supervisor in the form of a written notice and shall afford the employer a reasonable opportunity to correct such activity, policy or practice. This referral shall not apply where imminent danger or threat exists to the safety of a specific employee or to the general health of a specific patient and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action. All such reports shall be brought to the attention of the Chief of Police without unnecessary delay.
- C. If following a referral of such matter to the employee's supervisor's attention and after a reasonable opportunity to correct such activity, policy or practice the matter has not been resolved and the

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employee or representative of employees still believes that a violation of a workplace violence prevention program remains, or that an imminent danger exists, such employee or representative may request an inspection by giving notice to the Commissioner of the Department of Labor of such violation or danger. No employer may take retaliatory action against any employee:

- a. because the employee makes a report to a supervisor of a serious violation of a workplace violence protection program or of an imminent danger
- b. because the employee requests an inspection by the Commissioner of the Department of Labor
- c. because the employee accompanies the Commissioner of the Department of Labor


D. **AUTHORITY AND JURISDICTION OF THE COMMISSIONER OF THE DEPARTMENT OF LABOR (COMMISSIONER)** – The Commissioner may, upon their own initiative conduct an inspection of any premises occupied by an employer:

- a. if they have reason to believe that a violation of §27-b of the New York State Labor Law (§27-b) has occurred,
- b. if they have a general administrative plan for the enforcement of §27-b, including a general schedule of inspections, which provide a rational administrative basis for such inspections.

E. When a request for an inspection has been made in a situation where there is an allegation of an imminent danger such that an employee would be subjecting themselves to serious injury or death because of the hazardous condition in the workplace, the inspection shall be given the highest priority by the department and shall be carried out immediately.

F. The department shall not take retaliatory action against any employee because the employee does any of the following:

- a. makes an application pursuant to this policy;
- b. requests an inspection as authorized in section 148.6 (C) of this subdivision;
- c. accompanies the commissioner on an inspection;
- d. The commissioner may, upon their own initiative, conduct an inspection of any premises occupied by an employer if they have reason to believe that a violation of this section has occurred or if they have a general administrative plan for the enforcement of this section, including a general schedule of inspections, which provide a rational administrative basis for such inspecting. Within one hundred twenty days of the effective date of this paragraph the commissioner shall adopt rules and regulations implementing the provisions of this section.

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### **148.7 TRAINING**

- A. The Department will provide its employees with the Workplace Violence Prevention Policy during their initial field training. Workplace Violence Prevention in-service training will be conducted annually through the New York Mutual Insurance Reciprocal (NYMIR) on-line training portal. Training records will be maintained by the Lieutenant and a copy submitted to the Town Personnel Office.
- a. The annual training shall inform members of the requirements of this policy, the risk factors in their workplace or workplaces, and the location and availability of the written workplace violence prevention program required by this section; and
  - b. At least the measures employees can take to protect themselves from such risks, including specific procedures the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, use of security alarms and other devices, and the details of the written workplace violence prevention program developed by the employer.
- B. The Chief of Police will be responsible for overseeing the program detailed herein, for reviewing and analyzing the risk assessment tools, and for conducting an annual review of workplace violence incidents and related matters.
- a. The Chief of Police will prepare and post an annual report of workplace violence incidents and reports. Such reports will be in the form as prescribed by the Chief of Police.