

CITY OF NIAGARA FALLS, NEW YORK

WORKPLACE VIOLENCE PREVENTION POLICY

A. POLICY STATEMENT

The City of Niagara Falls, New York (hereinafter “City”) is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our staff, citizens and visitors. The City will not tolerate violence or threatening behavior of any type and from any source. Incidents of workplace violence, threats of workplace violence or observations of workplace violence are not to be ignored by any member of the workforce. Threats, threatening behavior or acts of violence against employees, visitors, guests, or other individuals by anyone on City 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 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 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 includes 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 included 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 also 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. If appropriate, the City will provide counseling services or referrals for employees. To further the goals of this policy, the possession or use while on duty of firearms, knives (excluding non-spring pocket knives), or other weapons, explosives or fireworks is prohibited (with the exception of on duty law enforcement personnel).

All City personnel are responsible for notifying your department head or the Police Department of any violent incident and/or threatening behaviors, including threats they have witnessed, received, or have been told that another person has witnessed or received. Employees who commit a violent act or threaten to commit a violent act may be subject to corrective or disciplinary action, up to and including termination, in accordance with existing collective bargaining unit agreements and may also be prosecuted to the full extent of the criminal laws. Any individual who makes a substantial threat, exhibits threatening behavior or engages in violent acts on City property shall be subject to removal from the premises as quickly as safety permits. An investigation will subsequently be conducted as promptly as possible.

Any employee or representative of employees who believes that a violation of this Policy exists shall bring such matter to the attention of a supervisor in the form of a written notice. If, following a written notice, the matter has not been resolved and the employee or representative still believes that a violation of a Workplace Violence Prevention Policy remains, or that an imminent danger exists, the employee or representative should contact one of the following: the Niagara Falls Police Department at 286-4547, or, if imminent danger exists, at 911; the Department Head of the area in which the employee reports, or; the Director of Personnel at 286-4395.

B. DEFINITIONS

For the purposes of this program:

1. "Employer": the City of Niagara Falls. New York.
2. "Employee": a public employee working for the City of Niagara Falls.
3. "Workplace": any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment with the City of Niagara Falls.
4. "Workplace Violence": violent acts (including physical assaults and threats of assaults) directed toward persons at work or on duty. Workplace violence is any physical assault or threatening behavior occurring in the work setting.
5. "Supervisor": any person within the employer's organization who has the authority to direct and control the work performance of an employee.
6. "Duty to act": employees observing unhealthy behaviors in other employees shall report those observations to their supervisor. The supervisor shall then be required to take appropriate action under this Policy. Anyone found in violation of this policy will be immediately disciplined under the terms of their collective bargaining agreement, up to,

and including termination. Additionally, any non-supervisory employee who "inserts" themselves into an incident will also be disciplined accordingly.

7. "Retaliation": 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.

8. "Zero Tolerance": the City of Niagara Falls will not accept or condone any violation of this Workplace Violence Prevention Policy.

C. POLICY

The City is the provider of municipal and related community services. The City strives to provide a safe work environment to all of its employees and to those that it serves. It is the policy of the City that each of our employees has the right to a workplace free from violence. The City has a Zero Tolerance Policy against threats, acts of violence and acts of aggression by employees or against employees by coworkers, members of the public, or others.

This policy does not cover speech or expressive activity which is protected by the United States Constitution and the Constitution of the State of New York.

Employees who commit a violent act or threaten to commit a violent act may be subject to corrective or disciplinary action, up to and including termination, in accordance with existing collective bargaining unit agreements and shall be prosecuted to the full extent of the criminal laws. Any individual who makes a substantial threat, exhibits threatening behavior or engages in violent acts on City property shall be subject to removal from the premises as quickly as safety permits. An investigation will subsequently be conducted as promptly as possible.

The unlawful possession or use while on duty of firearms, knives (except non-spring pocket knives), or other weapons, explosives, or fireworks is prohibited.

Workplace violence should be reported promptly through proper channels. Additionally, all members of the workforce are encouraged to report behavior they reasonably believe poses a potential for workplace violence in order to maintain a safe working environment.

D. PROCEDURES

1. Prohibited Conduct

A. The City will not tolerate any act or threat of violence made in the workplace, on City property, or while in work status for the City.

B. No person may engage in violent conduct or make threats of violence, implied or direct, on City property or in connection with City business. This includes but is not limited to:

(1) The use of force with the intent to cause harm, e.g. physical attacks, any unwanted contact such as hitting, fighting, pushing, or throwing objects;

(2) Acts or threats which are intended to intimidate, threaten, coerce, or cause fear or harm, whether directly or indirectly;

(3) 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.

C. The unlawful possession or use on City property, buildings or facilities of firearms, knives (except non-spring pocket knives), or other weapons, explosives, or fireworks is prohibited.

2. Incident Alert and Notification Procedure

A. Incidents of workplace violence, threats of workplace violence or observations of workplace violence are not to be ignored by any member of the workforce. Workplace violence or threats of workplace violence must be promptly reported to the appropriate official as noted in the following reporting procedures:

(1) Any person subjected to, or witnessing a violation of the Workplace Violence Prevention Policy should immediately contact the Niagara Falls Police Department at 286-4547 or dial 911.

(2) Any person subjected to, or witnessing a threat involving violence in the workplace should immediately contact the Niagara Falls Police Department at 286-4547 and report the incident to his or her supervisor.

(3) Any person suspecting a violation of the Workplace Violence Prevention Policy should report the suspicion to his or her supervisor or contact the Niagara Falls Police Department at 286-4547.

3. Responsibilities

A. City of Niagara Falls

(1) The City will disseminate to all employees a policy statement against all acts of violence, including domestic violence. A copy of the policy statement will be maintained in all City departments and posted on the City website at www.niagarafallsusa.org.

(2) The City will provide information to all employees about services available through the EAP program including those designed to help employees deal with any issues related to workplace or family violence.

(3) The City, in conjunction with authorized employee representatives, will regularly review the workplace environment and minimize wherever possible environmental factors which may expose our employees or those utilizing City services to violent acts.

(4) Employees with questions or complaints about workplace behaviors which fall under this policy may discuss them with their supervisor, a member of management, or with a representative from Personnel. Concerns will be investigated and appropriate action will be taken. This may include disciplinary action for an employee, in accordance with respective collective bargaining agreements and State Law.

(5) The City will provide workplace violence prevention training to all employees at the time of job assignment and then annually thereafter.

(6) The City, in conjunction with authorized employee representatives, has developed a written workplace violence prevention program, which is available to all employees. A copy of the Workplace Violence Prevention Program will be maintained in all City departments and posted on the City website at www.niagarafallsusa.org.

(7) The City will provide counseling services or referrals for employees, as appropriate.

(8) The City's Department of Personnel shall be the official depository for all Workplace Violence Prevention Program records. Any department involved in the response to an incident of workplace

violence (including the Police Department and the department where the incident took place) shall send copies of all incident reports/logs to the Department of Personnel for record keeping purposes.

(9) The City will conduct an annual review of its Workplace Violence Prevention Program to identify trends in the type of incidents in the workplace and review the effectiveness of the policy and the mitigating actions taken thereunder. As part of the review, the City will solicit input and comment from all authorized employee representatives as to the effectiveness of the policy as well as situations in the workplace that pose a threat of workplace violence. The annual review shall examine a number of policy related factors, including, but not limited to: workplace violence complaints, incident reports, risk factors, City facilities and properties, and the approach to remedial/corrective actions. Based on the results of the annual review, the Workplace Violence Prevention Program may be amended or modified. Subsequent employee training will address any changes to the program, if necessary.

B. Employee

(1) All employees are responsible for helping to maintain a safe work environment and are urged to take reasonable precautions to prevent violence and other unsafe conditions in the workplace and report indicators of increased risk of violent behavior.

(2) Employees are expected to notify the Niagara Falls Police Department whenever an Order of Protection is granted which mentions City property, involves a City employee, or a person working at a City-owned location. A copy of the Order shall be provided to Niagara Falls Police Department. Appropriate efforts will be made to protect the privacy and sensitivity of the information provided. Employees should also notify their supervisor.

(3) 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 supervisor and Niagara Falls Police Department. Confidentiality will be maintained to the extent possible.

(4) All employees have an obligation or duty to act to report any incidents of violence or threats of workplace violence to their

supervisor or the Niagara Falls Police Department immediately. If an employee believes that imminent danger exists, they must contact the Niagara Falls Police Department at 286-4547 or 911 immediately.

(5) Any employee or representative of employees who believes that a violation of a Workplace Violence Protection Policy exists shall bring such matter to the attention of a supervisor in the form of a written notice. ("Workplace Violence Incident Reporting Form" - Please note: A written notice is not required where workplace violence imminent danger exists to the safety of a specific employee or the employee reasonably believes in good faith that reporting to a supervisor will not result in corrective action.) If, following a written notice, the matter has not been resolved and the employee or representative still believes that a violation of a Workplace Violence Prevention Policy remains, or that an imminent danger exists, the employee or representative should contact one of the following:

(a) Niagara Falls Police Department at 286-4547, or, if imminent danger exists, at 911

(b) Department Head of the area in which the employee reports

(c) Director of Personnel at 286-4395

C. Supervisor's Responsibilities

(1) Each supervisor is responsible within his/her area of jurisdiction for the implementation of this policy.

(2) Supervisors have a duty to act under this Policy and are required to contact the Niagara Falls Police Department immediately in the event of imminent or actual violence.

(3) Supervisors have a duty to act under this Policy and are expected to:

(a) Report to the Police Department any complaint of workplace violence made to him/her and any other incidents of workplace violence of which he/she becomes aware or reasonably believes to exist.

(b) Notify their immediate 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 Police Department and immediate supervisor, the supervisor should keep it confidential and disclose it only as necessary during the investigation process and/or subsequent proceedings.

(c) Report any knowledge of workplace violence to the Personnel Office immediately. Failure of a supervisor to initiate appropriate action may result in administrative action including possible discipline up to and including termination in accordance with existing collective bargaining unit agreements.

D. Police Department

(1) The Niagara Falls Police Department shall be responsible for responding to, intervening and documenting incidents of violence in the workplace.

(2) The Niagara Falls Police Department will immediately log all incidents of workplace violence and will notify the respective supervisor of an incident with his/her employee(s). Copies of all incident logs/reports will be forwarded to the Department of Personnel.

(3) When informed, the Police Department will maintain a record of any Orders of Protection.

E. Department of Personnel

(1). The Department of Personnel is responsible for:

(a) Assisting the Niagara Falls Police Department Chief of Police and supervisors in responding to workplace violence;

(b) Facilitating appropriate responses to reported incidents of workplace violence;

(c) Notifying the Niagara Falls Police Department of workplace violence incidents reported to Human Resources; and

(d) Consulting with, as necessary, counseling services to secure professional intervention.

(2) The Department of Personnel is responsible for providing new City employees with a copy of the Workplace Violence Prevention Policy and insuring that employees receive appropriate training pursuant to NYS Labor Law §27 (b).

(3) The Department of Personnel will also be responsible for annually disseminating this policy to all employees, as well as posting the policy and on the City's website, as appropriate. Every employee must sign for receipt of this policy and procedure upon publication or at orientation. Signed receipt will be placed in each employee's personnel file.

E. EDUCATION AND PREVENTION

In compliance with NYS Labor Law §27 (b), and in keeping with the City's interest in making itself a safe living and working environment, the City will provide training to each new member of the organization as part of the orientation process. Employee training will include a comprehensive review of the Workplace Violence Prevention Policy, details about the written Workplace Violence Prevention Program, and information about methods to protect themselves from potential risks. Every employee must sign for receipt of the policy and procedure upon publication or at orientation. Signed receipt will be placed in each employee's personnel file.

F. "NO RETALIATION" POLICY

Retaliation against anyone acting in good faith that 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 and will not be tolerated. The City of Niagara Falls will take appropriate formal disciplinary action, which can include penalties up to, and including termination of employment in accordance with existing collective bargaining unit agreements for those found responsible for retaliatory action.

G. EMPLOYEE ASSISTANCE PROGRAM

Every employee has the right to seek assistance through the Employee Assistance Program (EAP) to deal with any issues of violence, wherever they happen, including outside of the workplace. The City's EAP offers a professional and confidential source of help for people who need assistance with personal problems or concerns. This service is available to employees and to their families. The program recognizes that employees are

people first, and are subject to stress and pressures that affect their ability to be effective at work. Information as to how to contact the EAP coordinator may be obtained confidentially by calling the Personnel Department at 286-4395.