

Village of Pleasantville

WORKPLACE VIOLENCE PREVENTION PROGRAM

Adopted by Resolution of the
Village Board of Trustees on November 14, 2019

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SECTION 1 – INTRODUCTION

POLICY STATEMENT

The Village of Pleasantville is committed to providing its employees with a work environment that is safe, secure, and free from violence. The Village also considers the safety of its residents, vendors, contractors, and the general public to be of paramount importance and strives to provide them the same type of protections while on Village property.

In accordance with the New York State Workplace Violence Prevention Act, the Village of Pleasantville has developed a Workplace Violence Prevention Program. As a part of this program, the Village conducted a comprehensive risk evaluation of the entire workplace. The Village will conduct annual reviews to identify risk factors that may increase the likelihood of workplace violence and implement appropriate measures to minimize or eliminate these hazards. In order to achieve this goal, the Village encourages the participation and cooperation of employees and their authorized employee representative(s).

The Village will not tolerate ANY acts of violence in the workplace, including but not limited to, physical assault (e.g., hitting, pushing), threatening, intimidating, or aggressive behavior, or verbal abuse or harassment. Employees are prohibited from possessing firearms or weapons (e.g., guns, knives (except for pocket knives used in the normal course of the employee's job), explosives, and other items with the intent to inflict harm) in the workplace, even if the employee is licensed to carry the weapon. The only exceptions are law enforcement and security personnel. An employee who has knowledge that a coworker or visitor possesses a weapon on Village property must report this to a Department Head immediately.

For the purpose of this program, the workplace is defined as any location away from an employee's home, either permanent or temporary, where the employee performs any work-related duty in the course of employment. This includes, but is not limited to, Village-owned buildings and surrounding perimeters, parking lots, work sites, residents' homes, and traveling to and from work assignments.

Any incident of workplace violence or imminent danger must be promptly reported to the Department Head or the Village Administrator as outlined in Section 2 (Employee Responsibility) and Section 5 (Incident Recordkeeping, Reporting, and Investigation) of this program manual. An employee is responsible for reporting all incidents of Level I violence in writing within 48 hours of the occurrence using the Workplace Violence Incident Report. All Level II incidents must be reported immediately using this form. The Department Head is responsible for submitting the form to the Village Administrator and/or Administrative Aide.

Violations of this policy will result in appropriate remedial, disciplinary, and/or legal action, according to the circumstances.

An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

This Workplace Violence Prevention Program policy statement will be posted where notices to employees are normally displayed. In addition, a copy of the program manual will be made available to employees, the authorized employee representative(s), and the Commissioner of the New York State Department of Labor at each of the Village's work sites during normal working hours.

OVERVIEW OF THE NEW YORK STATE WORKPLACE VIOLENCE PREVENTION ACT

Based on an increasing awareness of, and in response to, the violence that was occurring in public sector workplaces, the New York State Workplace Violence Prevention Act was passed in 2006. The Act amended NYS Labor Law by adding Section 27-b. Section 27-b requires all state and local government employers to take steps to ensure their employees are provided adequate protection from potential incidents of violence in the workplace.

Among other stipulations, Section 27-b requires the Village of Pleasantville to:

1. Conduct a risk assessment of its work sites to identify and address any existing risk factors that may increase the possibility of workplace violence;
2. Provide training for all employees (upon initial assignment and annually thereafter) which informs them of the risk factors that may be present at their work sites, the measures they can take to protect themselves from such risks, and the steps the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, and use of security alarms and other devices; and
3. Develop and implement a written workplace violence prevention program that lists the risk factors and the methods the employer is using to prevent violence and minimize or eliminate identified hazards.

WHAT IS A WORKPLACE VIOLENCE INCIDENT?

For the purpose of this program, a workplace violence incident / workplace violence is any physical assault or acts of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment, which includes, but is not limited to, one of the following:

- a. An attempt or threat, whether verbal or physical, to inflict injury upon another person;
- b. Any intentional display of force which would give a person reason to fear or expect bodily harm;
- c. Intentional and wrongful physical contact with a person without his or her consent that entails some injury or offensive touching;
- d. Harassment of a nature that would give a person reason to fear escalation or make it difficult to pursue a normal life when the harassment arises out of or in the course of employment; or
- e. Stalking a person with the intent of causing fear of material harm to physical safety and health, and when such stalking has arisen through or in the course of employment.

A workplace violence incident may be committed without one person actually touching, striking, or doing bodily harm to another person.

While sexual harassment is prohibited by the Village of Pleasantville, it is specifically excluded from the definition of a workplace violence incident. An employee should refer to the sexual harassment policy in the Village of Pleasantville's Employee Handbook for more information about this topic. Any questions should be directed to the employee's Department Head or the Village Administrator.

WHAT ARE EXAMPLES OF WORKPLACE VIOLENCE?

For the purpose of this program, the term includes, but is not limited to, physically harming another, fighting, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, or threatening or talking of engaging in those activities. Workplace violence includes, but is not limited to, any act of physical violence, threats of physical violence, harassment, intimidation, or other threatening, disruptive behavior, whether physical or verbal, that occurs in the workplace.

Workplace violence incidents are generally categorized into two levels:

Level I – Aggressive or threatening behavior including, but not limited to, bullying, intimidation, threatening with an object, verbal abuse, verbal threats of assault, obscene or threatening calls, being followed or stalked

Level II – Physical assault including, but not limited to pushing, grabbing, striking with an object, sexual assault, stabbing, shooting or homicide

A number of different actions in the work environment can trigger or cause workplace violence. It may even be the result of non-work-related situations, such as domestic violence or “road rage.”

Workplace violence can be inflicted by an employee, a supervisor, department head, resident, member of the public, contractor, vendor, family member, or even a stranger.

Workplace Violence Imminent Danger

The Department of Labor defines an imminent danger as any conditions or practices in any place of employment which are such that a danger exists that could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated

Other Definitions

The following definitions as set forth in Article 27b of the New York State Labor Law and 12 NYCRR Part 800.6 are to be used, incorporated into and made a part of this program.

Authorized Employee Representatives - An employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to Article 14 of the Civil Service Law.

Employee - A public employee working for an employer.

Employer - The State, any political subdivision of the State, any public authority public benefit corporation, and any other governmental agency or instrumentality thereof, except that an employer shall not include, for purposes of this part, any employer defined as such in Section twenty-eight hundred one-a (2801a) of the Education Law.

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.

Serious Physical Harm - Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ or a sexual offense as defined in Article 130 of the Penal Law.

SAVINGS CLAUSE

The Village of Pleasantville has made every effort to ensure that this Workplace Violence Prevention Program complies with NYS Department of Labor regulations. In the event any of the provisions, portions or applications of this program are found to be invalid or inconsistent with any superseding legal requirements by any tribunal of competent jurisdiction, then the provisions, portions or applications specified in such decision shall be of no force and effect, but the remainder of this program shall continue to be in full force and effect.

SECTION 2 – EMPLOYEE AND SUPERVISOR ROLES AND RESPONSIBILITIES

EMPLOYEE RESPONSIBILITIES

Employee and authorized employee representative involvement in the Village of Pleasantville's Workplace Violence Prevention Program is essential to the program's success. Employees are expected to read, understand, and comply with the Village's program and to attend ongoing education and training on workplace violence. Any questions should be directed to the employee's Department Head or the Village Administrator.

Employees must promptly report any violations of the Village's Workplace Violence Prevention Program or any workplace violence imminent danger in accordance with the reporting procedures outlined in Section 5 (Incident Recordkeeping, Reporting, and Investigation) of this program manual.

Protective and Restraining Orders

An employee who applies for or obtains a protective or restraining order which lists specific workplace locations as being protected areas must provide the employee's Department Head a copy of the petition and declaration used to seek the order. The Department Head in turn is to immediately notify the Village Administrator. A copy of any temporary or permanent protective or restraining order that was granted must also be provided. The Village will follow confidentiality procedures that recognize and respect the privacy of the reporting employee.

SUPERVISOR RESPONSIBILITIES

Department Heads are responsible for communicating the Workplace Violence Prevention Program to employees and answering any of their questions. Department Heads are expected to enforce the program in a fair and consistent manner and ensure all aspects of the program under their area of responsibility are properly met.

If an employee notifies his/her Department Head of an actual or potential workplace violence incident or submits a completed Workplace Violence Incident Report (Form-1), the Department Head is responsible for following the reporting procedures as outlined in Section 5 (Incident Recordkeeping, Reporting, and Investigation) of this program manual.

HAZARD REDUCTION TEAM

The Village of Pleasantville will establish a Hazard Reduction Team to administer the Workplace Violence Prevention Program. The Hazard Reduction Team may be comprised of employees, Elected Officials, Department Heads, and/or Union representatives. The Hazard Reduction Team will always include employee representation.

The team's responsibilities will include, but will not be limited to:

- Conducting or coordinating a comprehensive risk evaluation of the entire workplace to identify any factors or situations that may place employees at risk of violence;
- Conducting or coordinating employee surveys and interviews to obtain feedback on the risk factors employees believe are present in the workplace, to determine if there have been previous workplace violence incidents, etc.;
- Developing and implementing risk reduction strategies and plans for responding to acts of violence;
- Coordinating employee training and education programs relating to workplace violence;
- Coordinating investigations of workplace violence incidents and implementing any necessary measures to reduce or eliminate the likelihood of similar incidents occurring;
- Reviewing the Workplace Violence Prevention Program at least annually, including analyzing Workplace Violence Incident Reports, if any, to identify trends in the types of incidents that occurred during the year and to determine the effectiveness of the mitigating actions taken; and
- Updating the Workplace Violence Prevention Program as needed.

The listing of the Village's Hazard Reduction Team members is available from the Village Administrator's Office.

SECTION 3 – RESPONSE PROCEDURES

DURING AN INCIDENT

If a threatening situation arises:

- Try to remain calm;
- Remove yourself from the threat as soon as possible;
- Immediately call, or alert others to call, for on-site assistance from the appropriate resource (e.g., supervisor, police, ambulance). Refer to the Village of Pleasantville's emergency evacuation plan for the appropriate emergency contact number; and
- Notify coworkers as soon as practical to enable them to also reach safety if danger is imminent and applicable to them.

POST INCIDENT

If a workplace violence incident occurs or an employee submits a Workplace Violence Incident Report, a member of the Hazard Reduction Team or a designee will conduct a thorough investigation of the situation.

The Village of Pleasantville will respect the privacy and confidentiality rights of employees during investigations to the greatest extent possible, although the Village cannot guarantee complete confidentiality.

Based on the specific situation and the results of the investigation, appropriate measures will be taken, if needed, to eliminate or reduce the likelihood of similar workplace violence incidents occurring in the future. If the workplace violence incident was related to a threat, all employees who might be affected if the threat-maker were to carry out such threat will be given proper notification. Throughout the investigation, the Village will maintain open lines of communication with employees, visitors, and the public to answer questions and alleviate anxiety.

The Village of Pleasantville will provide information to potential or actual victims about the options available to them, such as obtaining a restraining order against the threat maker, obtaining follow-up medical care, and counseling services through the Employee Assistance Program (EAP).

DEALING WITH CONFLICT

There is no sure way to tell whether someone will become violent. However, there are often warning signs before violence occurs. These warning signs do not mean that the individual will actually become violent, but in combination, they should be a cause for concern. Warning signs of potentially violent individuals include:

- Written, oral, or implied threats or intimidation
- Fascination with weaponry or acts of violence
- Theft or sabotage of projects or equipment
- Alcohol or drug abuse in the workplace
- Expressions of hopelessness or heightened anxiety
- Intention to hurt self or others
- Lack of concern for the safety of others
- Externalization of blame
- Irrational beliefs and ideas
- Romantic obsession
- Displays of excessive or unwarranted anger
- Feelings of victimization
- Inability to take criticism
- New or increased sources of stress at home or work
- Productivity and/or attendance problems

DEALING WITH POTENTIALLY VIOLENT INDIVIDUALS

Do's

- Do project calmness. Move and speak slowly, quietly, and confidently.
- Do listen attentively and encourage the person to talk
- Do let the speaker know that you are interested in what he or she is saying
- Do maintain a relaxed yet attentive posture
- Do acknowledge the person's feelings and indicate that you can see he or she is upset
- Do ask for small, specific favors such as asking the person to move to a quieter area
- Do establish ground rules. State the consequences of violent or threatening behavior.
- Do employ delaying tactics that give the person time to calm down. For example, offer a glass of water.
- Do be reassuring and point out choices
- Do help the person break down big problems into smaller, more manageable problems
- Do accept criticism. When a complaint might be true, use statements such as, "You're probably right" or "It was my fault." If the criticism seems unwarranted, ask clarifying questions.
- Do arrange yourself so that your exit is not blocked
- Do make sure there are at least three to six feet between you and the other person

Don'ts

- Don't make sudden movements that may seem threatening
- Don't speak rapidly, raise your volume, or use an accusatory tone
- Don't reject all demands
- Don't make physical contact, jab your finger at the other person, or use long periods of eye contact
- Don't pose in challenging stances, such as directly opposite someone, hands on hips, or with arms crossed
- Don't challenge, threaten, or dare the individual. Never belittle the other person.
- Don't criticize or act impatient
- Don't attempt to bargain with a threatening individual
- Don't try to make the situation seem less serious than it is
- Don't make false statements or promises you cannot keep
- Don't try to impart a lot of technical or complicated information when emotions are high
- Don't take sides or agree with distortions
- Don't invade the individual's personal space

SECTION 4 – TRAINING AND EDUCATION

All employees will receive training and education on the risks of workplace violence. Training will be provided at the time of hire and at least annually thereafter. Additional training may be required prior to starting a new job assignment, if new laws relating to workplace violence are enacted or there are changes in any current laws, or if the Village of Pleasantville makes significant changes in its Workplace Violence Prevention Program.

At a minimum, the Village's employee training and education will address the following:

- Overview of the New York State Workplace Violence Prevention Act and NYS Labor Law Section 27-b
- Overview of the Village's Workplace Violence Prevention Program
- Workplace location of the Village's Workplace Violence Prevention Program manual and procedures for obtaining a copy
- Definition of workplace violence and the two levels of workplace violence
- Methods of recognizing and responding to the two levels of violence
- Standard response action plan for violent situations
- Procedures for reporting a workplace violence incident or imminent danger
- How and when incidents will be investigated by the Village
- The risk factors identified in the Hazard Reduction Team's risk evaluation and determination
- Measures employees can take to protect themselves from identified risks
- Procedures, policies, safety devices, and/or work environment accommodations that have been implemented to protect employees based on the results of the risk evaluation

Employees will receive a copy of the Village's Workplace Violence Prevention Program and will be required to sign a Policy Acknowledgement Form (Form-3) and a Training Acknowledgement Form (Form-4). These signed acknowledgement forms will be placed in the employee's personnel file.

SECTION 5 – INCIDENT RECORDKEEPING, REPORTING, AND INVESTIGATION

INCIDENT RECORDKEEPING

The Village of Pleasantville will maintain accurate records regarding all workplace violence incidents. The Village will adhere to all requirements of 12 NYCRR Part 801, known as the Public Employer Recordkeeping Rule, which is implemented pursuant to Section 27-a of the Labor Law, for the recording of employee injuries or illnesses due to workplace violence incidents. All workplace violence incident forms will be kept according to the applicable retention and disposition schedules.

Any situation that meets the definition of a workplace violence incident as defined in Section 1 (Introduction) page 4, or any workplace violence injury that results in imminent danger, serious physical harm, death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness will be documented on a Workplace Violence Incident Report. Any recordable injury will also be documented on the SH 900 Log.

If a workplace violence incident meets the definition of a privacy concern case as specified below, before sharing a copy of the Workplace Violence Incident Report Form with any party other than the Department of Labor, the Village will remove the name of the employee who was the victim of the workplace violence incident and shall instead enter “PRIVACY CONCERN CASE” in the space normally used for the employee’s name. The Village will treat incidents involving the following injuries or illnesses as privacy concern cases:

1. An injury or illness to an intimate body part or the reproductive system;
2. An injury or illness resulting from a sexual assault;
3. Mental illness;
4. HIV infection;
5. Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person’s blood or other potentially infectious material;
6. Other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the Report.

INCIDENT REPORTING

The Village of Pleasantville will follow all federal, state and local laws and procedures in the reporting of workplace violence incidents.

Internal Reporting Procedures

Any employee or authorized employee representative who believes that a workplace violence imminent danger exists or that there has otherwise been a violation of the Village's Workplace Violence Prevention Program should report such to the employee's Department Head. If the Department Head is unavailable or is a party to the violation, the report should be made to the Village Administrator.

An employee is responsible for reporting all incidents of Level I violence in writing within 48 hours of the occurrence using the Workplace Violence Incident Report. All Level II incidents must be reported immediately using this form.

The Department Head, in turn, is responsible for forwarding copies of the Workplace Violence Incident Report to the Village Administrator. If the Village Administrator is unavailable a member of the Hazard Reduction Team or a member of the Village Board should be notified. All Level II incidents must be forwarded immediately and all Level I incidents must be forwarded within 48 hours.

If, after providing the Village a reasonable opportunity to resolve the situation set forth in the Workplace Violence Incident Report, the employee believes that a violation of the Village's program still exists or that there continues to be a workplace violence imminent danger, the employee may contact the Commissioner of Labor at the NYS Department of Labor to request an inspection. Such request must be in writing, be signed by the employee or the employee's authorized representative, and include specific information as to the alleged violation or imminent danger. The Commissioner of Labor will provide a copy of the employee's notice to the Village of Pleasantville no later than the time of inspection. The employee may request that his or her name, the names of individual employees, and/or the authorized employee representative's name be withheld from the Village.

An employee is not required to provide written notice to the Department Head if a workplace violence imminent danger exists to the safety of a specific employee or to the general health of a specific person and the employee reasonably believes in good faith that reporting this information to the Department Head would not result in corrective action.

An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

Law Enforcement Reporting Procedures

The Department Head, employee or any Village of Pleasantville Official with knowledge is responsible for immediately reporting any workplace violence incident that may be of criminal or domestic violence nature to the Pleasantville Police Department, as well as the Village Administrator.

If a pattern of workplace violence incidents involving criminal conduct or serious injury develops, the Village of Pleasantville will work with the District Attorney and/or the Pleasantville Police Department to develop a protocol to ensure that any future violent crimes occurring in the workplace are promptly investigated and appropriately prosecuted.

If an employee chooses to file a criminal complaint, the Village will provide the employee with the protocol and contact information for the District Attorney and/or the Pleasantville Police Department. The Village of Pleasantville will not infringe upon the right of an employee to pursue or file a criminal complaint.

DOSH Reporting Requirements

The Village is required to report any workplace violence related fatalities and multiple hospitalizations to the DOSH District Office within eight hours of the incident. (Refer to NYCRR Part 801 for complete information pertaining to employee recordkeeping and PESH reporting requirements). The nearest Department of Safety and Health (DOSH) District Office is located at:

White Plains District Office

120 Bloomingdale Road, Room 250, White Plains, NY 10605
Tel. 914-997-9514 FAX 914-997-9528

Whenever there is a workplace violence incident resulting in an employee fatality or multiple employee hospitalizations, DOSH will conduct an on-site inspection. Other valid complaints that do not involve a fatality or multiple hospitalizations may result in an on-site inspection to determine if the Village is in compliance with the Workplace Violence Prevention Act.

INCIDENT INVESTIGATION

Risk Evaluation after a Workplace Violence Incident

The Hazard Reduction Team will coordinate or perform a risk evaluation and determination immediately after the occurrence of a workplace violence incident. The investigation may take various forms, depending upon the type of incident.

Upon completion of its review, the Village Board will address the cause(s) of the incident and take the necessary steps to eliminate or reduce the likelihood of such an incident occurring again. The team may also make recommendations for revising the Workplace Violence Prevention Program. Any revisions to the program will be put in writing and made available to employees. Employee training will be provided if significant changes to the program are made. The Village will also consider global prevention enhancements at all work sites which may be necessary to properly protect employees.

Review of Workplace Violence Program and Incident Reports

The Village Board and the Hazard Reduction Team are responsible for reviewing the Village's Workplace Violence Prevention Program and making any appropriate modifications at least annually. This review will include analyzing SH 900 Logs and Workplace Violence Incident Reports, if any, for any trends in the types of workplace violence incidents occurring and to review the effectiveness of the mitigating actions the Village has taken.

SECTION 6 – FORMS

The following forms are to be used in administering the Village of Pleasantville's Workplace Violence Prevention Program:

FORM-1 – Workplace Violence Incident Report Form

FORM-2 – Policy Acknowledgment Form

FORM-3 – Training Acknowledgment Form

This form must be used to document any reportable workplace violence incident. For any Level I incident, an employee must report the incident to the Department Head within 48 hours of the occurrence. For all Level II incidents, the incident must be reported immediately. The Department Head is responsible for forwarding this completed form to the Village Administrator within the same timeframes.

Victim's Name	
Job Title	
Department / Location	
Date and Time of Incident	
Location of Incident	
Name / Job Title of Individual Completing Report	
Date Incident Report Completed	
Date Received by the Village Administrator	

The following are examples of **Level I** types of workplace violence incidents.

- Threatening with an object
- Verbal abuse
- Verbal threats of assault
- Bullying
- Obscene or threatening calls
- Being followed or stalked

The following actions are examples of **Level II** types of workplace violence incidents.

- Pushing
- Grabbing
- Striking with an Object
- Sexual Assault
- Stabbing
- Homicide
- Shooting

Describe each incident separately, including dates, times and locations. If you cannot remember exact dates, times or locations, please provide approximations. Use additional pages if necessary. _____

List any other individuals who may have been involved in this incident (employee or non-employee):

Name of Persons Involved	Role in the Incident	Contact Information

Assailant / Perpetrator	<input checked="" type="checkbox"/>	Name	Address
Member of the Public	<input type="checkbox"/>		
Employee's Spouse	<input type="checkbox"/>		
Employee's Significant Other	<input type="checkbox"/>		
Employee's Supervisor	<input type="checkbox"/>		
Coworker	<input type="checkbox"/>		
Former employee	<input type="checkbox"/>		
Other (specify) _____	<input type="checkbox"/>		

*I attest that the information I have provided is a true and accurate description of my complaint and that I have not willfully or deliberately made false statements. I understand that the Village of Pleasantville prohibits any individual from retaliating against me for filing a complaint and that I am to notify my Department Head, the Village Administrator, or the Village Board if I believe that I am a victim of retaliation.

EMPLOYEE SIGNATURE

DATE

DEPARTMENT HEAD SIGNATURE

DATE

VILLAGE ADMINISTRATOR SIGNATURE

DATE

For Internal Village Use Only

Did police respond to the incident? Yes No

Was a police report filed? Yes No Police Report Number _____

Was the victim injured? Yes No

If yes, please specify the injuries and the name and location of the facility that provided medical care:

Did the victim lose any work days? Yes No If yes, number of days _____

Has the victim been informed of the crisis counseling services available? Yes No

Has the victim received counseling since this incident? Yes No

Did the victim have any reason to believe that this incident might occur? Yes No

Has the authorized employee representative been notified? Yes (Date) _____ No N/A

Has the Village taken any measures to prevent similar incidents from occurring in the future?

Yes No

Indicate the steps that have been taken to mitigate future incidents of a similar nature:

Action Taken	Date Completed

Indicate any steps currently being taken by the Village to mitigate future incidents and/or any interim protective measures being taken:

Action in Progress and/or Interim Protective Measures	Estimated Date of Completion

Indicate any other work sites, if applicable, that will require similar action to mitigate future incidents:

DEPARTMENT HEAD SIGNATURE

DATE

VILLAGE ADMINISTRATOR SIGNATURE

DATE