

Town *Of* *Orangetown*

Workplace Violence Prevention Plan

INDEX

- I. Overview**
- II. Town of Orangetown Workplace Violence Prevention Policy**
- III. New York State Workplace Violence Prevention Law**
- IV. What is Workplace Violence?**
- V. Reporting Violence**
- VI. Workplace Risk Evaluation**
- VII. Prevention**
- VIII. Response Procedures**
- IX. Summary Statement**
- X. Appendix**
 - a. NYS Labor Law Article 2, Section 27-b**
 - b. Individual Site Risk Assessments : General Observations**
 - c. Workplace Violence Incident Report Form**
 - d. Employee Focus Group Findings**

I. Overview

Introduction

Workplace violence presents a serious occupational safety hazard for workers. On June 7, 2006, New York State enacted legislation that requires public employers (other than schools covered under the school safety plan requirements of the education law) to address this serious potential workplace hazard.

The law and its requirements are described in more detail in Section II and Appendix A of this plan. The final effective enforcement date of this law was August 28, 2009.

Purpose

The purpose of this *Workplace Violence Prevention Plan* is to provide information to managers, supervisors and employees about preventing and responding to incidents of workplace violence or threats of violence and the "New York State Public Employer Workplace Violence Prevention Law" (the "WVP Law").

The goals of the Program and this Plan are:

1. to reduce the probability of threats or acts of violence in the workplace, and
2. to ensure that any incident, complaint, or report of violence is taken seriously and dealt with appropriately.

This Plan outlines the major components of the effort to meet these goals:

1. effective procedures;
2. workplace security risk evaluation;
3. prevention;
4. training; and
5. other support services.

Access to this Plan

The *Workplace Violence Prevention Plan* is available for review in the Town Office of Human Resources, located at Town Hall.

II. Town of Orangetown Workplace Violence Prevention Policy

Town of Orangetown Workplace Violence Prevention Policy

The Town of Orangetown, NY is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients.

Workplace Violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Acts of violence against any of our employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients and visitors, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of New York State Labor Law Art. 2 §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 is designed to identify the risks of workplace violence to which our employees could be exposed. Authorized Employee Representative(s) will, at a minimum, be involved in:

- evaluating the physical environment;
- developing the Workplace Violence Prevention Program; and
- reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees will 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. All personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person: Donna A. Morrison
Title: Human Resources Coordinator
Department: Human Resources
Phone: 845.359.6500
Email: dmorrisor@orangetown.com

III. New York State Workplace Violence Prevention Law (Overview)

Introduction

The "New York State Public Employer Workplace Violence Prevention Law" was enacted on June 7, 2006 to ensure that public employers evaluate their workplaces, develop effective response procedures and implement strategies to prevent or minimize workplace violence. The final effective enforcement date was August 28, 2009.

Requirements of the law

Employers must evaluate their workplace or workplaces for factors or situations that may increase the risk of occupational violence. Examples of such factors include working in public settings, working alone or in small numbers, and working late night or early morning hours. Appendix B identifies the general observations from the Town of Orangetown's individual worksite risk assessments.

In addition, employers with at least 20 full time permanent employees must develop and implement written workplace violence prevention plans. The written plan must identify the risk factors identified in the workplace risk evaluation and the methods the employer will use to prevent incidents of violence in the workplace.

Finally, employers must inform employees of the requirements of the WVP Law, the risk factors in their workplace, and the location of the written workplace violence prevention plan. Training is also required for employees on the measures employees can take to protect themselves from risks and the details of the written workplace violence prevention plan. Employee workplace violence training must be provided at the time of job assignment and annually thereafter. All Department Heads shall ensure that this required training is provided in accordance with the law.

Further information

For the full text of the "NYS Public Employer Workplace Violence Prevention Law", NYS Labor Law Section 27 - b, see Appendix A.

IV. What is Workplace Violence?

For the purposes of this Plan, the term “violence” means, among other things, physically harming another, fighting, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, threatening or talk of engaging in these activities. Workplace violence can be any act of physical violence, threats of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs in the workplace. Workplace violence can affect or involve employees, visitors, contractors, vendors, and others.

Workplace violence incidents are generally categorized as:

- Level I – Disruptive behavior such as verbal abuse
- Level II – Aggressive or threatening behavior
- Level III - Physical assault

For the purposes of this Plan, the workplace is defined as any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, Town-owned, leased or rented facilities, parking lots, remote work locations, and traveling to and from work assignments.

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 abusive employee/co-worker, a supervisor, a member of the public, family member or even a stranger. Whatever the cause or whoever the perpetrator, workplace violence will not be accepted or tolerated by the Town of Orangetown.

What is a Workplace Violence Incident?

A workplace violence incident is defined as one or more of the following according to the New York State Department of Labor:

- An attempt or threat, whether verbal or physical, to inflict injury upon another person.
- Any intentional display of force which would give a person reason to fear or expect bodily harm.
- Intentional and wrongful physical contact with a person without his or her consent that entails some injury or offensive touching.
- 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 the harassment arises out of or in the course of employment.
- 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.

Harassment, sexual or otherwise (as defined by New York State Executive Order #19, the New York State Human Rights Law, and the Town of Orangetown Council Resolution # ????) is prohibited by the Town of Orangetown and is specifically excluded from the definition of a workplace violence incident. An employee should refer to the Sexual Harassment and Discrimination Policy in the Town's Personal Policies and Procedures Manual / Employee Handbook for more information about this topic.

The Town of Orangetown will not tolerate violence in the workplace. All incidents, complaints, and/or reports of violence, threats of violence, harassment, intimidation, and other disruptive behavior will be taken seriously. The Town of Orangetown is committed to providing its employees with a reasonably safe and secure work environment.

Employee Responsibility

Employee and authorized employee representative's involvement in the Town of Orangetown's *Workplace Violence Prevention Plan* is essential to the Plan's success. Employees are expected to read, understand, and comply with the Town's Plan and to attend ongoing training and education on workplace violence. Any questions should be directed to the employee's department head or supervisor.

Employees must promptly report any violations of the Town's *Workplace Violence Prevention Plan* or any workplace violence imminent danger in accordance with the reporting procedures explained in this Plan.

Protective and Restraining Orders

Individuals who obtain a protective or restraining order which lists specific workplace locations as being protected areas MUST provide their department head and the Workplace Violence Prevention Team, in care of the Town Human Resources Coordinator, a copy of any temporary or permanent protective or restraining order that was granted. The Town will follow confidentiality procedures that recognize and respect the privacy of the reporting employee.

Department Head / Supervisor Responsibility

The Town Human Resources Coordinator is responsible for communicating the *Workplace Violence Prevention Plan* to employees and answering any of their questions. Department heads and supervisors are expected to enforce the Plan in a fair and consistent manner and ensure all aspects of the Plan 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 (Appendix C), the department head is responsible for following the reporting procedures outlined in the Reporting section of the Town's *Workplace Violence Prevention Plan*.

Purpose of Plan

Violence in the workplace is a leading cause of fatal and non-fatal occupational injury throughout the U.S. that may affect an organization at any time. The purpose of this Plan is to address the issue of potential workplace violence, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed when such violence has occurred.

Statement of Plan

Violence, threats of violence, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated by the Town of Orangetown. Examples of disruptive behavior can include oral or written statements, gestures or expressions that communicate a direct or indirect threat of harm. Such behavior will be taken seriously and will be dealt with appropriately, up to and including dismissal.

Scope of Plan

All Town of Orangetown employees are required to comply with this Plan. In addition, since visitors of Town of Orangetown-owned and operated property and facilities are required to conduct themselves in a non-violent manner in conformity with existing law, employees who observe or experience visitors of Town owned and operated property engaging in violent and or threatening behavior should follow the procedures in this Plan for the reporting such behavior .

Application of Plan

Violence and other disruptive behavior by or against any employee of the Town of Orangetown or member of the public in a Town-designated workplace are unacceptable. A Town-designated workplace includes offices, work sites, vehicles, field locations, and any other location where Town business is conducted. Individuals who commit such acts may be removed from the premises and may be subject to appropriate disciplinary action, including, where legally appropriate, termination of employment and/or criminal penalties.

Training

All department heads shall ensure that employees of their particular department are informed of the requirements of the law, the risk factors in their workplace, and the location of the written *Workplace Violence Prevention Plan*. Training is also required for employees on the measures employees can take to protect themselves from risks and the details of the written *Workplace Violence Prevention Plan*.

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 Town makes significant changes in its *Workplace Violence Prevention Plan*.

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

- Overview of the NYS Workplace Violence Prevention Act and NYS Labor Law Section 27-b.
- Overview of the Town's Workplace Violence Prevention Program.
- Workplace location of the Town's *Workplace Violence Prevention Plan* and procedures for obtaining a copy.
- Definition of workplace violence and the three levels of workplace violence.
- Methods of recognizing and responding to the three levels of violence.
- Standard response action plan for violence situations.
- Procedures for reporting a workplace violence incident or imminent danger.
- How and when incidents will be investigated by the Town.
- The risk factors identified in the Workplace Violence Prevention Team's ("WVPT") 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.
- Post-incident procedures, including medical follow-up and the availability of counseling for affected individuals.

Specialized training and education may be provided to department heads and supervisors as well as those employees who are at higher risk of workplace violence based on their job duties and or work site location.

In addition to the training required by law, the Office of Human Resources shall provide additional training on a per request basis to Town departments and offices to address the potential for violence in the workplace.

V. Reporting of Violence

At the core of this *Workplace Violence Prevention Plan* is the Town's commitment to work with its employees to maintain a work environment free from violence and other disruptive behavior to the greatest degree possible.

Levels of Workplace Violence:

Level I – Minimal, including but not limited to:

Intimidation; bullying; verbal abuse; minimal harassment; obscene gestures; false statements.

Level II – Heightened, including but not limited to:

Psychological trauma; threat of assault; advanced harassment; obscene calls, or messages; being followed or stalked.

Level III – Severe, including but not limited to:

Shooting; stabbing; struck with an object; sexual assault; pushing; grabbing; punching; slapping; throwing objects; homicide.

All incidents of workplace violence must be reported. An employee is responsible for reporting all incidents of LEVEL I in writing within 48 hours of the occurrence. The supervisor/department head will complete the Workplace Violence Incident Report Form including obtaining the employee's statement.

All LEVEL II and LEVEL III incidents must be reported using the Workplace Violence Incident Report Form once the incident has abated.

The Workplace Violence Incident Report Form can be found in Appendix C.

Reporting Procedures

The following procedures are to be followed whenever an employee reports a complaint alleging a violation of the Town of Orangetown *Workplace Violence Prevention Plan* has occurred or when a violent incident occurs.

Non-Emergency Reporting Procedure

A non-emergency situation is defined as a situation where:

One person, through intimidating words or gestures has induced fear and apprehension of physical or other harm in another person but there is **no immediate danger** of such harm being inflicted.

Step 1

Employee notifies immediate supervisor, or if that would be inappropriate, that person's supervisor or the department head within 48 hours of the alleged incident. The employee may also directly contact the Human Resources Office.

Step 2

Supervisor or Human Resources Office conducts preliminary inquiry and makes prompt report to department head/ commissioner.

Step 3

If there is no immediate threat of violence or any serious misconduct or criminal behavior, the department head/commissioner will complete the Workplace Violence Incident Report Form and submit the form within two (2) business days to Human Resources.

OR

If there has been, serious misconduct, or criminal behavior, the department head/commissioner will notify Human Resources immediately. Human Resources will contact the Police Department or other appropriate departments/agencies as necessary.

The department head/commissioner will complete the Workplace Violence Incident Report Form and submit within two (2) business days to Human Resources.

Emergency Reporting Procedure

*An emergency situation is defined as a situation where an injury has occurred or there is an **immediate threat** of physical harm.*

You should consider your personal safety first in all emergency situations. If possible, you should use the following response procedure:

Step 1

First person on the scene quickly assesses the situation and risk.

Step 2

Based on risk assessment, first person on the scene calls for law enforcement/security/medical assistance and ensures the needs of injured are met. Employee must also immediately notify supervisor of the situation.

Step 3

Supervisor immediately assesses/confirmes whether there is an emergency situation and makes prompt report to department head/commissioner.

Step 4

The department head/commissioner ensures that local police, Town Supervisor / Manager, medical personnel and the Human Resources Office have been notified and are responding.

Recordkeeping

The Town of Orangetown will maintain accurate records regarding all workplace violence incidents. The Town will adhere to all of the 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 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 the Town of Orangetown's *Workplace Violence Prevention Plan* or any workplace violence injury that results in 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 Form. Any recordable injury will also be documented on the SH-900 Log (New York State Department of Labor log of work-related injuries and illnesses.)

Retaliation against an employee who makes a good faith report of violence or other disruptive behavior is strictly prohibited and shall be subject to appropriate corrective or disciplinary measures. An employee who, in bad faith, makes a false report is also subject to disciplinary action.

VI. Workplace Risk Evaluation

Introduction

Certain factors or situations may place employees at a greater risk of workplace violence. This workplace risk evaluation is based upon individual site risk assessments, results of employee Focus Groups, reviews of occupational injury and illness logs and incident reports for violence-related injuries.

As required by Section 27-b of the New York State Labor Law, in July 2014, the Town conducted an evaluation of the workplace in general, and each worksite specifically, to identify existing or potential hazards that might place employees at risk of workplace violence.

The worksite specific risk evaluation process included:

- An examination of the workplace to determine existing or potential hazards that may place employees at risk for incidents of workplace violence;
- An examination of past workplace violence incidents to identify any patterns as to the type and cause of injuries, particular work areas, or specific operations or individuals involved;
- A review of occupational injury and illness records (i.e. SH-900 and SH-900.2 logs, C-2 forms), accident reports, and any available insurance, police, or other incident reports in order to identify injuries that may have been the result of workplace violence;
- Conducting two (2) employee focus groups (FINDINGS OF FOCUS GROUPS FOUND IN APPENDIX D) to gather information regarding violence incidents they may have experienced or witnessed but not reported, as well as to identify conditions that could be contributing to potential incidents;
- Based on the risk factors identified, the development of administrative policies and procedures for all departments as well as specific worksite recommendations that should be implemented to prevent or reduce the potential for workplace violence incidents.

Risk Evaluation

Workplace violence can occur in any workplace setting. However, some settings or factors may pose a greater degree of workplace violence risk. Employment situations or factors that may pose higher risks for Town of Orangetown employees include, but are not limited to:

- working in public settings;
- working late night or early morning hours;
- exchanging money with the public;
- working alone or in small numbers;
- working in a setting with uncontrolled public access to the workplace;
- working in a setting where previous security problems have occurred;
- having a mobile workplace assignment;

- working with a population which might expose one to potentially violent persons (e.g. in health care, social service, or criminal justice settings); and
- having duties that include the delivery of passengers, goods, or services.

Workplace Violence Prevention Oversight Committee (WVPOC)

The Town of Orangetown has established a Workplace Violence Prevention Oversight Committee to serve in an advisory capacity and to assist with the administration of the *Workplace Violence Prevention Plan*. The Committee's responsibilities include, but are not limited to:

- Ensure the Town continues to perform ongoing evaluations of the entire workplace to identify any risk factors or situations that may place employees at risk of violence.
- Conducting employee surveys, employee focus groups and or interviews to obtain feedback as needed on risk factors employees believe are present in the workplace, previous workplace violence incidents, etc.
- Developing risk reduction strategies and plans for responding to or preventing acts of violence.
- Coordinating employee training and education relating to workplace violence.
- Investigating workplace violence incidents and recommending necessary measures to reduce or eliminate the likelihood of similar incidents occurring.
- Reviewing the *Workplace Violence Prevention Plan* at least annually, to include analyzing workplace violence incident reports to identify trends in the types of incidents that occurred during the year and to determine the effectiveness of the mitigating actions taken.
- Updating the *Workplace Violence Prevention Plan* as needed, subject to the approval of the Town Board.
- Accurately record and maintain information and records associated with Committee meetings, recommend plan changes, and reported incidents.

The Workplace Violence Prevention Team will consist of the following or their respective designees:

- Member of the Town Board
- Superintendent of Parks, Recreation, & Buildings
- Human Resource Coordinator
- Superintendent of Highways
- Chief of Police
- Town Attorney
- Employee Representation CSEA Unit
- Employee Representation PBA Unit
- Employee Representative

- Employee Representative

The Human Resource Coordinator, as needed, will call upon additional internal and external resources, including but not limited to the Town Manager, Chief of Police, Town Attorney, and Town Council.

Representatives from each department should be made available by their department head for WVPOC participation.

VII. Prevention

Introduction

Prevention is the responsibility of every employee. This section focuses on some measures to reduce the risk of violent behavior. Supervisors and managers, as well as employees, should be familiar with, and knowledgeable of, the issues below before violence occurs.

Definitions and Prevalence of Violence

The Town of Orangetown *Workplace Violence Prevention Plan* defines workplace violence to include violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Two million American workers are victims of workplace violence annually. Workplace violence is the fourth leading cause of fatality in the workplace for all workers; it was the cause of 564 deaths in 2005. Finally, a survey in 2005 found approximately 54% of local government employers with more than 1,000 employees reported an incident of workplace violence within the past 12 months.

In reviewing this data, it appears clear that workplace violence is a potential problem in the modern workplace, and one that requires a multifaceted approach by the employer, employees, and employee assistance or other agencies providing support to mitigate the occurrences and effects of violence in the workplace.

Early Warning Signs of Potential Violence

Past behavior has generally been the best predictor of future behavior. There is, however, no specific "profile" of a potentially dangerous individual. Acts of violence may also occur in the workplace due to issues of domestic violence. Sometimes victims and witnesses recount acts of violence that occurred without warning. However, certain patterns of behavior and events frequently precede episodes of violence. A list of indicators of increased risk of violent behavior may include:

- Direct or veiled threats of harm.
- Intimidation, belligerence, bullying or other inappropriate behavior directed at others.
- Numerous conflicts with supervisors and employees; verbal comments indicating expressions of hostility directed at coworkers, supervisors, or others.
- Bringing an unauthorized weapon to work, brandishing a weapon in the workplace, making inappropriate reference to guns or fascination with weapons.
- 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 homicides.
- Statements indicating an increased tone of desperation from the person, feeling that normal interventions to solve the problem will not work, feeling hopeless about a situation at work, with family, financial, and other personal problems.
- Signs of abuse of drugs/alcohol on or off the job.
- Extreme or uncharacteristic changes in behavior or displays of emotion.
- Employees with on-going domestic difficulties.
- Employees with a temporary order of protection against any respondent.

These behaviors should be reported to an employee's supervisor, manager, departmental personnel staff or commissioner/department head. The Human Resources Coordinator is available to assist supervisors and managers in dealing with such behavior. Some behaviors may require immediate law enforcement intervention, others may require disciplinary action, and others may indicate an immediate need for an Employee Assistance Program (EAP) referral.

Sometimes small behavior problems, which can precede the above behaviors, are dismissed or ignored, allowing problems to fester. In the employee's mind, the situation can become more intense. Early involvement by the EAP may be the appropriate intervention. It is important to remember the employee must be treated with dignity, mutual respect and fairness in this process. Some of these types of behavior are listed below:

- Withdrawal from friends, coworkers, and/or one's social circle.
- Reduced productivity.
- Unexplained absence from work area or marked increase in tardiness and / or absenteeism.
- Noticeable deterioration of personal hygiene and appearance.

Common Issues That May Trigger Workplace Violence

Listed below are two categories of common issues that may trigger workplace violence:

1. Employee issues:

- Negative performance review
- Unwelcome change in role due to performance or reorganization issue
- Criticism of performance

- Conflict with coworker or supervisor
- Personal stress outside the workplace
- Increased workload or pressure, e.g. deadlines, projects, etc.

2. Workplace issues (any of the following may be an employee's perception of issues):

- No clearly defined rules of conduct
- Lack of training
- Inadequate hiring practices/screening of potential employees
- Insufficient supervision
- Lack of discipline or inconsistent discipline in workplace
- Lack of or inadequate employee support systems
- Failure to address incidents as they occur
- Overly authoritarian management style

Taking this into account, there are three key elements that may help to prevent a violent situation from occurring:

1. Recognizing the early warning signs (such as a change in a person's behavior preceding an episode of violence).
2. Recognizing issues or events that may trigger violence.
3. Early intervention to prevent a violent incident from occurring.

Please note, it is important to be careful when drawing assumptions or relying solely on any of the above behaviors as indicators of violence.

Violence Prevention Policies, Procedures and Programs

The Town of Orangetown has a number of policies, procedures and programs in place, as referenced in the Town of Orangetown Personal Policy and Procedure Manual, promulgated by various Town Council Resolutions and or Local Laws. Among these are:

Policies and Procedures

Workplace Violence Prevention. The *Town of Orangetown Workplace Violence Prevention Plan* prohibits violence, threats of violence, harassment, intimidation, and other disruptive behavior in the workplace.

Anti - Harassment and Discrimination Policy. This policy prohibits harassment and discrimination of employees based upon race, color, religion, age, national origin, citizenship status, ethnicity, marital status, familial status, creed, gender, sexual orientation, disability, military membership, predisposing genetic characteristics, or any other basis prohibited by law.

Criminal History Record Check Policy. Certain positions, by Town resolution, are subject to a pre-employment screening process.

Drug - Free Workplace Policy. This policy prohibits the manufacture, distribution, dispensation, possession, or use of a controlled substance or illegal drug in the workplace. EAP provides confidential assistance to employees with substance abuse problems.

Firearm / Weapon Prohibition Policy. States, "all employees of and visitors to the Town of Orangetown not required to possess a firearm for the performance of their official duties... shall not possess a firearm / weapon while performing their duties or while present upon any real property of the Town of Orangetown unless such an employee has secured the prior written consent of the Town of Orangetown Chief of Police."

Other Programs

Employee Assistance Program (EAP). EAP is a free, confidential service offered by Town of Orangetown to all Town employees and their immediate families. It provides assessment and referral to professional providers for behavioral/medical problems which may affect the individual's job, health, family life, or other relationships.

Training. The Department of Human Resources Department refer and/or offer training in a variety of areas such as stress management, conflict in the workplace, dealing with difficult customers/clients, grief and loss, and collaboration in the workplace. In order to facilitate employee referrals to EAP, new managers and supervisors are trained to identify signs and symptoms of poor performance, know when and how to refer employees to EAP, and maintain confidentiality.

Workplace Security Enhancements. The Office of Human Resources and Department of Parks, Recreation & Buildings has or will recommend and implement minimum security standards for Town facilities based upon risk/security assessments of Town facilities and input from Department heads. For example, as appropriate, security personnel may be stationed at specific worksites, video surveillance equipment may be used and external lighting may be installed, upgraded, and or maintained.

Investigations. The Office of Human Resources, in consultation with the Town Attorney, investigates instances of serious employee misconduct or criminal conduct.

VIII. Response Procedures

Post Incident Response

When a workplace violence incident occurs or an employee submits a Workplace Violence Incident Report Form, the Human Resource Coordinator will determine if further investigation is warranted and if necessary, conduct a thorough investigation of the situation and involve the WVPOC as necessary. The Town of Orangetown will respect the privacy and confidentiality rights of employees during investigations to the greatest extent possible, although the Town cannot guarantee complete confidentiality.

If Level I or II, Human Resources, will investigate, resolve/mediate matter and make referrals for appropriate action, including disciplinary proceedings and/or referrals to EAP or other available resources. If Level III, Human Resources will deploy the resources of the WPVOC as required.

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 have been affected if the threat-maker were to carry out such threat will be given proper notification. Throughout the investigation, the Town will maintain open lines of communication with employees, visitors and the public to answer questions and alleviate anxiety.

The Town of Orangetown 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, if applicable, and/or the availability of any counseling services through an EAP.

Workplace Violence Prevention Oversight Committee

The WVPOC will meet at least quarterly or more often as necessary. The WVPOC will also perform annual reviews of the Town's workplace violence incidents and procedures to determine the need for revisions and updates to the Town's plan and procedures.

IX. Summary Statement

The Town of Orangetown is committed to provide as safe a working environment as possible and will continue to assess substantiated risks of workplace violence that are reported. The Town of Orangetown has in the past implemented policies and procedures that are designed to lower or eliminate workplace violence and generally promote workplace safety. This commitment is further supported by this Plan.

It must, however, be recognized that there are no certain means by which workplace violence can be completely prevented, that no one process or policy can wholly identify any and all conditions and risk factors that may exist in the Town of Orangetown's workplace, and that the Town's ability to mitigate those conditions and risks may be limited by a variety of factors.

X. APPENDIX

Appendix A:

New York State Public Employer Workplace Violence Prevention Law

Labor Law Article 2

* § 27-b. Duty of public employers to develop and implement s to prevent workplace violence.

1. Purpose. The purpose of this section is to ensure that the risk of workplace assaults and homicides is evaluated by affected public employers and their employees and that such employers design and implement workplace violence protection s to prevent and minimize the hazard of workplace violence to public employees.
2. Definitions. For the purposes of this section:
 - a. 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.
 - b. Employee means a public employee working for an employer.
 - c. Workplace means 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 by an employer.
 - d. Supervisor means 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.
 - e. Retaliatory action means 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.
3. Risk evaluation and determination. Every employer shall evaluate its workplace or workplaces to determine the presence of factors or situations in such workplace or workplaces that might place employees at risk of occupational assaults and homicides. Examples of such factors shall include, but not limited to:
 - a. working in public settings (e.g., social services or other governmental workers, police officers, firefighters, teachers, public transportation drivers, health care workers, and service workers);
 - b. working late night or early morning hours;
 - c. exchanging money with the public;
 - d. working alone or in small numbers;
 - e. uncontrolled access to the workplace; and
 - f. areas of previous security problems.

4. Written workplace violence prevention Plan. Every employer with at least twenty full time permanent employees shall develop and implement a written workplace violence prevention Plan for its workplace or workplaces that includes the following:
 - a. a list of the risk factors identified in subdivision three of this section that are present in such workplace or workplaces;
 - b. the methods the employer will use to prevent incidents of occupational assaults and homicides at such workplace or workplaces, including but not limited to the following:
 - (1) making high risk areas more visible to more people;
 - (2) installing good external lighting;
 - (3) using drop safes or other methods to minimize cash on hand;
 - (4) posting signs stating that limited cash is on hand;
 - (5) providing training in conflict resolution and nonviolent self-defense responses; and
 - (6) establishing and implementing reporting systems for incidents of aggressive behavior.
5. Employee information and training.
 - a. Every employer with at least twenty permanent full time employees shall make the written workplace violence prevention Plan available, upon request, to its employees, their designated representatives and the department.
 - b. Every employer shall provide its employees with the following information and training on the risks of occupational assaults and homicides in their workplace or workplaces at the time of their initial assignment and annually thereafter:
 - (1) employees shall be informed of the requirements of this section, the risk factors in their workplace or workplaces, and the location and availability of the written workplace violence prevention required by this section; and
 - (2) employee training shall include at least: (a) 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 (b) the details of the written workplace violence prevention developed by the employer.
6. Application.
 - a. Any employee or representative of employees who believes that a serious violation of a workplace violence protection 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.

- b. If, following a referral of such matter to the employee's supervisors attention and after a reasonable opportunity to correct such activity, policy or practice, the matter has not been resolved and the employee or representative of employees still believes that a violation of a workplace violence prevention Plan remains, or that an imminent danger exists, such employee or representative of employees may request an inspection by giving notice to the commissioner of such violation or danger. Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or representative of employees, and a copy shall be provided by the commissioner to the employer or the person in charge no later than the time of inspection, except that on the request of the person giving such notice, such persons name and the names of individual employees or representatives of employees shall be withheld. Such inspection shall be made forthwith.
- c. A representative of the employer and an authorized employee representative shall be given the opportunity to accompany the commissioner during an inspection for the purpose of aiding such inspection. Where there is no authorized employee representative, the commissioner shall consult with a reasonable number of employees concerning matters of safety in the workplace.
- d. The authority of the commissioner to inspect premises pursuant to such an employee complaint shall not be limited to the alleged violation contained in such complaint. The commissioner may inspect any other area of the premises in which he or she has reason to believe that a serious violation of this section exists.
- e. No employer shall take retaliatory action against any employee because the employee does any of the following:
 - (1) makes an application pursuant to paragraph a of this subdivision;
 - (2) requests an inspection as authorized in paragraph b of this subdivision;
 - (3) accompanies the commissioner as authorized in paragraph c of this subdivision;
- f. The commissioner may, upon his or her own initiative, conduct an inspection of any (remove space) premises occupied by an employer if he or she has reason to believe that a violation of this section has occurred or if he or she has 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.
- g. Any information obtained by the commissioner pursuant to this subdivision shall be obtained with a minimum burden upon the employers.
- h. 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 himself or herself 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.