

VILLAGE OF OWEGO WORK PLACE VIOLENCE PREVENTION AND WORKPLACE VIOLENCE REPORTING POLICY

Policy Statement

The Village of Owego has a long-standing commitment to promoting a safe and secure work environment for all its employees. All Village employees and elected Officials are expected to maintain a work environment free from violence, threats of harassment, intimidation or coercion, including sexual harassment.

The purpose of this policy is to maintain a healthy, non-hostile work environment and to provide procedures for reporting, investigating and resolving complaints of workplace violence.

Policy Objective

The Village of Owego prohibits workplace violence and harassment. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence or harassment will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from Village property and employees may be subject to disciplinary action up to and including termination, consistent with Village policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. The Village Mayor, at the request of an employee, or at his or her own discretion, may prohibit members of the public, including family members, from seeing an employee on Village property unless necessary to transact Village-related business. This policy particularly applies in cases where the employee suspects that an act of violence or harassment will result from an encounter with said individual(s).

Scope

All Village of Owego employees, elected Village Officials, vendors, contractors, consultants, and others, who do business with the Village of Owego, whether in a Village facility or where official Village business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the Village, such as former employees and visitors.

Definitions

Complainant:

Any employee who directly witnesses any prohibited activity under this policy.

Employee:

For purposes of this policy, employee includes all full-time, part-time, union, and non-union persons hired by the Village of Owego and all volunteers for any and all Departments for the Village of Owego.

Workplace Violence

Workplace Violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal right of movement or expression, or disrupts the workplace, or the Village's ability to provide services to the public. Examples of workplace violence include, but are not limited to:

Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms, fists or weapons).

Any form of Sexual Harassment as defined by unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment; or

Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or

Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment; or

Such behavior includes commentary about an individual's body, sexually degrading words to describe an individual, offensive comments, off-color language or jokes, innuendos, and sexually suggestive objects, books, magazines, photographs, cartoons or pictures and/or any and all forms of electronic media.

Weapons

Firearms, imitation firearms, knives or other dangerous weapons, including, but not limited to. chemical/biological weapons, instruments or materials, except as permitted by pertinent laws, rules and regulations.

Prohibited Activity

1. Unwelcome sexual advances, including but not limited to, leering.
2. Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship.
3. Verbal or physical conduct that demonstrates explicit or implicit ridicule, mockery, derision or belittlement of any person.
4. Any offensive or derogatory remarks based on race, color, sex, age, religion, sexual orientation or preference or national origin either directly or indirectly, to another person. Such harassment is a prohibited form of discrimination under state and federal employment law and is considered misconduct subject to disciplinary action by the Village of Owego.
5. Any verbal or physical conduct of a sexual nature made to any employee that may threaten or insinuate either explicitly or implicitly that any employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development.
6. Any verbal or physical conduct that has the purpose or effect of substantially interfering with the employee's ability to do his or her job.
7. Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment.
8. Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack).
9. Menacing or threatening behavior, such as throwing objects, pounding on a desk or door, damaging property, stalking or otherwise acting aggressively, or making oral or written statements specifically intended to frighten, coerce or threaten, where a reasonable person would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property.

10. Possessing firearms, imitation firearms, knives or other dangerous weapons, including but not limited to chemical/biological weapons, instruments or materials, except as permitted by pertinent laws, rules and regulations.
11. Any display of any sexually suggestive objects, books, maps, photographs, cartoons, pictures and/or any and all forms of electronic media in or on Village of Owego property.

Risk Factors

The following are risk factors, locations and applicability in the Village of Owego:

1. Working in public settings: applies to all village locations and personnel.
2. Working late night or early morning hours: applies to personnel at the Village Clerk's Office, Department of Public Works, Sewer Department, Fire Department, Police Department, and Village of Owego Court.
3. Exchanging money with the public: applies to personnel at the Village Clerk's Office, Department of Public Works, Owego Police Department, and the Village of Owego Court.
4. Working alone or in small numbers: applies to personnel at the Village Clerk's Office, Department of Public Works, Sewer Department, Police Department, Fire Department, and Village of Owego Court.
5. Uncontrolled access to the workplace: applies to personnel at the Village Clerk's Office, Department of Public Works, Sewer Department, Fire Department, and Village of Owego Court.

Methods for Hazard Prevention and Control

1. It is the policy of the Village of Owego to make high-risk areas more visible, install additional lighting where needed, post signs where necessary, train employees on conflict resolution and maintain a response system through the Owego Police Department.
2. It is also the Village of Owego's policy to use input from a variety of sources including but not limited to: employee security surveys, self assessments, Owego Police Department's recommendations and lessons learned from other entities to effect changes that make the Village of Owego's work areas and personnel as safe as possible.

Reporting of Incidents

Workplace Violence

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any Village of Owego employee or elected Official. Workplace violence should promptly be reported using the Workplace Violence Summary Report at the end of this policy. Additionally, Village of Owego employees and elected Officials are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined under the within definitions and in accordance with this policy. It is important that all employees and elected Officials take this responsibility seriously to effectively maintain a safe, non-hostile working environment.

Imminent or Actual Violence

Any employee experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call 911 immediately.

Commitment of a Crime

All employees who believe a crime has been committed against them have the right, and are encouraged, to report the incident to the appropriate law enforcement agency.

False Reports

Employees and elected officials who make false and malicious complaints of workplace violence or sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action up to and including termination, consistent with Village of Owego policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities as appropriate.

Responsibilities

Elected Officials and Department Heads

Elected Officials and Department Heads shall be responsible for the implementation of this policy. The responsibility includes distribution of this policy to all employees, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, and ensuring that all administrators and supervisors are aware of their responsibilities under this policy through internal communications and training.

Supervisors

Each employee designated with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors must report any complaints of workplace violence of which he/she becomes aware or reasonably believes to exist. Supervisors are expected to inform their immediate supervisor promptly about any complaints, acts, or threats of violence. After having reported such complaint, the supervisor should keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings as set forth under "Complaint Procedures".

Supervisors are required to call 911 immediately in the event of imminent or actual violence involving weapons and potential physical injuries.

Each department supervisor shall be responsible for preventing acts of harassment. This responsibility includes:

1. Monitoring the unit work environment on a regular basis for signs that workplace violence may be occurring
2. Counseling all employees on the types of behavior prohibited, and informing them of the Village of Owego's procedures for reporting and resolving complaints of workplace violence.
2. Stopping any observed acts that may be considered workplace violence, and taking appropriate steps to intervene, whether or not the involved employees are within his/her lines of supervision
3. Taking immediate action to limit the work contact between two employees where there has been a complaint of workplace violence, pending investigation

Each department supervisor has the responsibility to assist any employee of the Village of Owego who comes to that supervisor with a complaint of workplace violence in documenting and filing a complaint as set forth under "Complaint Procedures".

Employees

Employees must report workplace violence as defined under Definitions to their supervisor. Employees who are advised that a workplace violence incident has occurred or has been observed must report this to their supervisor immediately. Recurring or persistent workplace violence that an employee reasonably believes is not being addressed satisfactorily, or violence that is, or has been, engaged in by the employee's supervisor should be brought to the attention of the Department Head.

Employees who have obtained Orders of Protection are expected to notify their supervisor and provide a list of locations that are designated as protected areas.

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. Confidentiality will be maintained to the fullest extent possible.

Upon hiring, and annually thereafter, employees will participate in training and have copies of this policy made available to them. Additionally, the policy will be posted throughout Village of Owego Buildings and be placed on the Village of Owego's website, as appropriate.

Each employee of the Village of Owego is responsible for assisting in the prevention of workplace violence through the following acts:

1. Refraining from participation in, or encouragement of, actions that could be perceived as workplace violence
2. Reporting acts of workplace violence to a supervisor
3. Encouraging any employee who confides that he or she is being subjected to workplace violence to report these acts to a supervisor

Failure to take action to stop known workplace violence shall be grounds for discipline.

Complaint Procedures.

1. Employees encountering workplace violence shall tell the person committing the alleged workplace violence that their actions are unwelcome and offensive, if practical.
2. When employees have threats of workplace violence from other employees, they should contact their immediate supervisor. If the complaint involves their immediate supervisor, they should contact their department head. If the complaint involves their department head, they should contact the Mayor of the Village of Owego. If the complaint involves the Mayor of the Village of Owego, they should contact a member of the Board of Trustees. If the complaint involves as member of the Board of Trustees, they should contact the Mayor of the Village of Owego. In any event, reports should be made as soon as possible so that steps may be taken to protect the employee from further workplace violence and appropriate investigative and disciplinary measures may be initiated.

The department supervisor or other person to whom an oral or written complaint is given shall meet with the employee and document the incident complained of on a Workplace Violence Summary Report which is attached hereto for reference and copies of which shall be provided to all Departments. The Workplace Violence Summary Report must be signed by the Complainant.

The Village of Owego employee or official taking the complaint shall expeditiously deliver the complaint as documented on the Workplace Violence Summary Report to the Mayor of the Village of Owego or a member of the Board or Trustees as appropriate.

3. The Mayor of the Village of Owego shall convene the existing Personnel Committee, if any, or appoint at least two (2) Village of Owego Trustees (hereafter referred to as the "Committee), to review and determine action required, if any, and to report such findings to the Board of Trustees as appropriate.

The Committee shall inform the parties involved of the outcome of the investigation.

If the complaint involves the Mayor of the Village of Owego, the Board of Trustees shall review and determine action required, if any.

A file of workplace violence complaints, as documented on the Workplace Violence Summary Report, shall be maintained in a secure location in the Village Clerk/Treasurer's Office.

4. There shall be no retaliation against any employee for filing a workplace violence complaint or assisting, testifying, or participating in the investigation of such a complaint.
5. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

Education

The Village of Owego is responsible for establishing procedures for the distribution and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. Department heads and elected officials are responsible to assist in identifying available training opportunities, as well as other resources and tools, such as reference materials detailing workplace violence warning signs, and availability of post-traumatic counseling at the discretion of the Board of Trustees, that can be incorporated into Village of Owego prevention materials for distribution to Village of Owego employees.

Confidentiality

The Village of Owego shall maintain the confidentiality of investigations of workplace violence to the fullest extent possible.

Retaliation

Retaliation against anyone acting in good faith who has made a complaint of workplace violence or sexual harassment, 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. Those found responsible for retaliatory action may be subject to discipline up to and including termination consistent with Village of Owego policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities as appropriate.

Administrative Procedures

Review of Report of Workplace Violence

The appropriate individual to whom the employee reports the Workplace Violence, as outlined above, will review the Report with that employee and with any other appropriate staff.

Completion of Workplace Violence Summary Report

The appropriate individual will begin to complete the Workplace Violence Summary Report during the interview(s).

Notification of Others

The appropriate individual will notify all other relevant individuals immediately thereafter.

Note: The situation may dictate that the other appropriate individuals be notified even before all the details are known so that they can secure the workplace and warn others as needed.

Safeguarding the Workplace

The appropriate individual to whom the employee reported the threat will take steps to safeguard the workplace. Arrangements will be made in consultation with the Department head if he/she is immediately available and may include notification of employees and law enforcement officials if there is good reason to warrant such action.

The appropriate individual should consult with the Owego Police Department, the Mayor of the Village of Owego, and other Village of Owego Officials, as the situation dictates.

The appropriate individual will make a reasonable effort to notify staff working in the field, if the threat is likely to impact them.

Timelines of Reporting

It is the policy of the Village of Owego to react timely and reasonably to work related threats against employees and/or their property. Because there are limits to the Village of Owego's ability to provide effective safeguards, primary responsibility for protecting against harm must remain with the threatened employee through the exercise of vigilance, common sense and his/her rights to police protection as a citizen. Nothing in this procedure limits the threatened employee from exercising his/her legal right to make additional arrangements for protections, which do not impede his/her ability to perform his/her work duties as agreed to with the Department head.

Distribution of Workplace Violence Summary Report

If the employee's own supervisor or other appropriate individual was absent when the report was made, a substitute supervisor or appropriate individual will provide a copy of the Workplace Violence Summary Report to the appropriate individual as soon as possible, regardless of the expected duration of the threat. The employee's supervisor or other appropriate individual will be responsible for taking any necessary action from that point.

As soon as the Workplace Violence Summary Report is reasonably complete, usually within one workday, the appropriate individual to whom the threat was first reported will make a copy for his or her file and give the original to the Village clerk Treasurer to be kept on file. As the investigation proceeds the appropriate individual in charge of the case at any given point in time will update that official file as significant events occur.

Updates might include:

Reports that the threatening individual stalked the employee at home.

Documentation of additional threats

Further actions taken by the department of law enforcement, etc.

Any appropriate individual who takes the investigation over from a substitute will keep the official file current.

After-hours Threats

If a work related threat is received after work hours, the employee should immediately make arrangements to protect themselves, such as calling a police agency and following their instructions. The employee should then immediately notify their supervisor or other appropriate individual regardless of the time of day. The Owego Police Department should be given and will maintain a list of supervisor's, department head's, and other relevant individual's home phone numbers.