

City of Kingston NY Workplace Violence Prevention

Policy

The City of Kingston NY (City) is the provider of municipal and related community services. The City strives to provide a safe work environment to all of its employees and to those that it serves.

The City is committed to providing a safe work environment for all employees. The City will respond promptly to threats, acts of violence, and acts of aggression by employees or against employees by coworkers, members of the public or others.

The term “workplace violence” is defined as any physical assault, threatening behavior or verbal abuse occurring in the work setting. The City of Kingston prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace. Complaints of workplace violence will be given serious attention. Security and safety in the workplace requires the cooperation of every employee.

This policy sets forth standards for employee conduct and guidelines for reasonable precautions. The accompanying procedures outline response to threats or violence should they occur in the workplace whether in a City facility or while performing duties in the City.

The term “workplace” is defined as 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.

The term “employee” is defined as a public employee working for an employer.

The City response may also include removal of third party vendors/contractors from buildings or termination of contracts with such vendors/contractors.

Prohibited Conduct

- A. The City will not tolerate any act or threat of violence made in the workplace, on City property, or while in work status for the City.
- B. No person may engage in violent conduct or make threats of violence, implied or direct, on City property or in connection with City business. This includes but is not limited to:
 1. The use of force with the intent to cause harm, e.g. physical attacks, any unwanted contact such as hitting, fighting, pushing, or throwing objects;
 2. Acts or threats which are intended to intimidate, threaten, coerce, or cause fear of harm whether directly or indirectly;
 3. Acts or threats made directly or indirectly by oral or written words, gestures or symbols that communicate a direct or indirect threat of physical or mental harm.
 4. No person, without legal authority, may carry, possess or use any dangerous weapon on City property or in City buildings or facilities.

Mayor

The Mayor shall be responsible for the implementation of this policy. The responsibility includes distribution of this policy to members of the city workforce, ensuring appropriate investigation and follow-up of reported incidents of workplace violence, appointing a Workplace Violence Advisory Team, and ensuring that administrators, managers and supervisors are aware of their responsibilities under this policy through internal communications and training.

Workplace Violence Advisory Team

- A. The Mayor will establish a Workplace Violence Advisory Team. This team, working with the Mayor will assist/advise the Mayor to:
 1. Perform a risk evaluation of the workplace to determine the presence of factors or situations that might place employees at risk of workplace violence;
 2. Assess the readiness for dealing with workplace violence;
 3. Facilitate appropriate responses to reported incidents of workplace violence;
 4. Assess the potential problem of workplace violence and recommend policy, training issues, or security procedures that should be implemented to maintain a safe working environment;
 5. Evaluate incidents to prevent future occurrences;
 6. Utilize prevention, intervention, and interviewing techniques in responding to workplace violence;
 7. Develop workplace violence prevention tools (such as pamphlets, guidelines and handbooks) to assist in recognizing and preventing workplace violence.
 8. Arrange regularly scheduled workplace violence prevention training sessions for employees.

- B. It is recommended that this team include the Police Chief, Fire Chief, City Safety Officer and others, as deemed appropriate by the Mayor.

Workplace Violence Prevention Program

- A. The City of Kingston shall develop and implement a written Workplace Violence Prevention Program for its workplaces that includes the following:
 1. A definition of workplace violence;
 2. Commitment to zero tolerance of workplace violence;
 3. Techniques on how to recognize and avoid workplace violence situations;
 4. Identification of the high risk occupations;
 5. The importance of reporting all workplace violence incidents and the procedure to do so;
 6. Investigations of incidents by the employer; and
 7. Employee assistance.

Information and Training for Employees

- A. The City shall make the written workplace violence prevention program available, upon request, to its employees and their designated representatives.
- B. At the time of employees' initial assignment and annually thereafter, the City shall provide its employees with the following information and training on the risks of violence in their workplace(s):
 1. be informed of the requirements of NYS Labor Law 27-b;
 2. the risk factors in their workplace(s);
 3. the location and availability of the written workplace violence prevention program; and
 4. training sessions that outline:
 - a. the measure employees can take to protect themselves from such risks, including specific procedures the City has implemented to protect employees and
 - b. the details of the written workplace violence prevention program developed by the City.

Retaliation

Retaliatory action against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.

1. For what constitutes Workplace Violence see the National Institute for Occupational Safety and Health's (NIOSH) definition in NYS Department of Labor Division of Safety and Health's, Workplace Violence Prevention Requirements for NYS Public Employers at <http://www.labor.ny.gov/home>
2. For a description of a risk evaluation see the NYS Department of Labor Division of Safety and Health's, Workplace Violence Prevention Requirements for NYS Public Employers at <http://www.labor.ny.gov/home>
3. From the New York State Department of Labor Division of Safety and Health's, Workplace Violence Prevention Requirements for New York State Public Employers at <http://www.labor.ny.gov/home>

City of Kingston NY

Workplace Violence Prevention Procedures

Process

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any employee of the City of Kingston NY (City). Workplace violence should promptly be reported to the appropriate City official (see below). Additionally, all members of the community are encouraged to report behavior they reasonably believe poses a potential for workplace violence in order to maintain a safe working and learning environment.

Definitions

For the purposes of this section:

- A. “Employer” means: (1) The City of Kingston NY; (2) a political subdivision of the City of Kingston NY; and (3) a public authority, a public benefit corporation, or any other governmental agency or instrumentality thereof.
- B. “Employee” means a public employee working of 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.

Reporting Procedures

- A. Any person experiencing or witnessing imminent danger or personal injury or violence involving weapons or actual violence should call the Kingston Police Dept. or 911 immediately.
- B. Any person who is the subject of a suspected violation of the Workplace Violence Prevention Policy involving violence without weapons or personal injury, or is a witness to such suspected violation, should report the incident to his or her supervisor, or in lieu thereof, to the Kingston Police Dept.
- C. Employees are expected to report any threat or act of violence that they have witnessed, received, or been informed of, to Kingston Police or a supervisor.
- D. Employees who commit a violent act or threaten to commit a violent act may be subject to disciplinary action, criminal prosecution and/or civil prosecution as appropriate.
- E. Any individual who makes a substantial threat, exhibits threatening behavior or engages in violent acts on City property shall be subject to removal from the premises as quickly as safety permits, pending the outcome of an investigation.

Employees

- A. All employees are responsible for helping to maintain a safe work and educational environment and are urged to take reasonable precautions to prevent violence and other unsafe conditions in the workplace and report indicators of increased risk of violent behavior including but not limited to the following examples:

Precautions

- In response to telephone inquiries, do not release information about coworkers' schedules, home telephone numbers, or other personal information.
- In the event of suspicious conduct, request the credentials of any stranger who enters your office to do repair or other service work. If necessary, verify the work request with the supervisor.
- Never leave money, credit card, travel documents or any thing else of value in an unlocked desk or cabinet.
- If something is stolen, report it immediately to the Kingston Police Dept.

Indicators

- Direct or veiled threats of harm;
 - Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior;
 - Numerous conflicts with supervisors and other employees;
 - Bringing a weapon to the workplace, brandishing a weapon in the workplace making inappropriate references to guns, or fascination with weapons;
 - Statements showing 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 desperation (over family, financial, and other personal problems) to the point of contemplating suicide;
 - Drug/alcohol abuse; and
 - Extreme changes in behavior.
- B. Orders of Protection: Employees are expected to notify the Kingston Police Dept. whenever a protective restraining order is granted which mentions City property, or involves a City employee, or a person working at or attending the City, and provide a copy of the order. Appropriate efforts will be made to protect the privacy and sensitivity of the information provided. Employees should also notify their supervisor.
- C. Domestic Violence: 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, or the Kingston Police Dept. Confidentiality will be maintained to the extent possible.
- D. All employees have an obligation to report any incidents of violence and/or inappropriate conduct or behavior to their supervisor or the Kingston Police Dept. immediately.
- E. Any employee or representative of employees who believes that a serious violation of a workplace violence prevention program exists or has an imminent

- danger exists shall bring such matter to the attention of a supervisor in the form of a written notice. If following written notice, the matter has not been resolved and the employee or representative believes that the violation still exists or that an imminent danger still exists, the employee or representative should contact the Kingston Police Dept.
- F. Individuals found to be in violation of this policy may be removed from the City property. Employees may be subject to disciplinary action up to and including dismissal, pursuant to applicable Personnel Policies or Collective Bargaining Agreements. Further, all individuals who violate criminal law may be subject to criminal prosecution.
 - G. No employee shall be subjected to criticism, reprisal, retaliation or disciplinary action from the college for good faith reporting pursuant to this policy. Employees who engage in violent conduct should be reported to the Kingston Police Dept. or 911.
 - H. Individuals who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous, are made in good faith, may be subject to disciplinary action and/or referral to appropriate authorities for criminal and/or civil action as appropriate.

Supervisors

- A. Each department head, executive officer, administrator, or other person with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area of jurisdiction for the implementation of this policy.
- B. Supervisors are required to contact the Kingston Police immediately in the event of imminent or actual violence involving weapons or potential physical injuries.
- C. Supervisors must report to the Kingston Police any complaint of workplace violence made to him/her and any other incidents of workplace violence of which he/.she becomes aware or reasonably believes to exist. Supervisors are expected to inform their immediate supervisor promptly about any complaints, acts or threats of violence even if the situation has been addressed and resolved. After having reported such complaint or incident to the Kingston Police and immediate supervisor, the supervisor should keep it confidential and disclose it only as necessary during the investigation process and /or subsequent proceedings.
- D. Every supervisor is obligated to report any knowledge of such conduct to the Office of Mayor immediately. Failure of a supervisor to investigate and initiate appropriate action may result in administrative action including possible discipline.

Kingston Police Department

- A. The Kingston Police Dept. is responsible for:
 - Responding to;
 - Intervening; and
 - Documenting all incidents of workplace violence in the workplace reported to it.
- B. Kingston Police will immediately log all incidents of workplace violence reported to it and will notify the respective department head and the Mayors Office of an incident with the employee.

- C. Kingston Police Officers are trained in workplace violence awareness and prevention, non-violent crises intervention, conflict management, and dispute resolution.
- D. When informed, Kingston Police will maintain a record of any Orders of Protection.

Civil Service Office

- A. The Civil Service Office (CSO) is responsible for:
 - Assisting the Kingston Police Dept. and supervisors in responding to workplace violence;
 - Facilitating appropriate responses to reported incidents of workplace violence;
 - Notifying the Kingston Police of workplace violence incidents reported to CSO as appropriate; and,
 - Consulting with the Employee Assistance Program to offer professional intervention.
- B. The Civil Service Office will maintain an internal tracking system of all threats and incidents of violence reported. Annual reports will be submitted to the Mayor and the Workplace Violence Advisory Team detailing the number and description of workplace violence incidents and the disposition of the incidents.
- C. The Civil Service Office is responsible for providing new employees with a copy of the Workplace Violence Policy and Procedure and insuring that employees receive appropriate training pursuant to NYS Labor Law 27b.
- D. The Civil Service Office will also be responsible for annually disseminating this policy to all employees, as well as posting the policy throughout all City departments and on the City's Website, as appropriate.

Employee Assistance Program

The facilitator of the Employee Assistance Program in each department is responsible for ensuring that subjects of workplace violence have access to counseling services, should they request it. They are also responsible for assisting and speaking with employee victims.

1. For what constitutes Workplace Violence see the National Institute for Occupational Safety and Health's (NIOSH) definition I NYS Department of Labor Division of Safety and Health's, Workplace Violence Prevention Requirements for NYS Public Employers at <http://www.labor.ny.gov/home>
2. Identified by the FBI's National Center for the Analysis of Violent Crime, Profiling and Behavioral Assessment Unit in Dealing with Workplace Violence; A Guide for Agency Planners by the United States Office of Personnel Management, Workforce Relations, February 1998
3. For recordkeeping requirements see NYS Labor Law 27-a. Safety and health standards for public employees.