



CITY OF ONEONTA

WORKPLACE VIOLENCE PREVENTION PROGRAM

This program defines how the City of Oneonta will respond to threats and incidents in the workplace and will help to define the responsibilities of the many individuals who are involved in responding to threats, incidents, and other safety risks in the workplace. They do not supersede the rights individuals have as private citizens to make civil or criminal complaints regarding other individuals.

BACKGROUND:

On June 7, 2006, New York State enacted legislation creating a new Section 27-b of State Labor Law that requires public employers (other than schools covered under the school safety plan requirements of the education law) to perform a workplace evaluation or risk evaluation at each worksite and to develop and implement programs intended to prevent and minimize workplace violence caused by assaults and homicides. The Law is designed to ensure that the risk of workplace assaults and homicides are regularly evaluated by public employers and that workplace violence protection programs are implemented to prevent and minimize the hazard to public employees.

STATEMENT OF PURPOSE:

The City of Oneonta has a longstanding commitment to the safety and security of our employees and the general public. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on City of Oneonta property will not be tolerated. Such behavior directed at City employees performing governmental functions off City property will not be tolerated. The City of Oneonta strives to meet the needs of its clients and visitors in a professional and positive manner. Our aim is to be prepared to handle any incidents that occur and to ensure that all City of Oneonta employees, clients, and visitors are provided with a safe environment.

WORKPLACE VIOLENCE PREVENTION POLICY:

The City of Oneonta Common Council has put into place a written Workplace Violence Prevention Policy Statement. It was adopted on February 7, 2017, and amended on October 3, 2017. A copy of the policy is attached in Appendix A.

GOALS OF WORKPLACE VIOLENCE PREVENTION PROGRAM:

- A. To provide a safe environment for employees, clients, and visitors to the City of Oneonta Government and sites where we may conduct business in the community.
- B. To provide guidance regarding direct or indirect threats to an employee, and any other situations wherein an employee believes she/he will encounter a potentially dangerous or violent situation, including but not limited to
 - 1) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee

- 2) Any intentional display of force that would give an employee reason to fear or expect bodily harm
 - 3) Intentional and wrongful physical contact with a person without his or her consent that entails some injury
 - 4) Stalking an employee with the intent of causing fear of material harm to the physical safety of such employee when such stalking has arisen through and in the course of employment.
- C. To ensure that all employees understand the roles and responsibilities of all parties in creating and maintaining a safe environment, and to regularly reinforce the responsibility of all staff to help create and maintain a safe environment for staff, clients, and visitors.
 - D. To ensure that all employees are familiar with this program, including it as part of initial and on-going training.
 - E. To ensure that all employees know where the workplace risk assessments are located, how the assessments may be accessed, and how risks are mitigated.

WHO IS COVERED:

All City of Oneonta employees, clients, and visitors are covered by this program. All volunteers, students, and interns who assist in City work are also covered.

RISK ASSESSMENT AND PROGRAM REVIEW:

The City of Oneonta management and Authorized Employee Representatives have conducted risk assessments of each City workplace during 2017. These assessments identify risk factors specific to each work location and the methods used to mitigate the identified risks. Each location risk assessment includes the specific measures that are or will be in use to mitigate risks. The Personnel Director will maintain a complete set of the assessments completed for each work location. Future assessments will be made, with participation from Authorized Employee Representatives, as needs arise, or if changes in the physical environment occur. Please see Appendix B for a list of all Risk Assessments completed, as well as a list of the risk factors identified in each workplace, the methods the City will use to prevent the incident of workplace violence based on these factors. The following individuals participated in the risk evaluation process (including the actual evaluation, and/or a review of findings):

- Katie Böttger, Personnel Director
- George Korthauer, City Manager
- Dennis Naylor, Former Chief of Police
- Doug Brenner, Chief of Police
- Patrick Pidgeon, Fire Chief
- Joseph Tiemann, PBA
- Branden Collison, Police Sergeants
- Lisa Prush, CSEA
- Matthew Harper, CSEA
- Robert Stevens, CSEA
- Andrew Turner, IAFF

Risk assessments were performed using the Workplace Violence Prevention Evaluation of Physical Environment form, which can be found in Appendix G.

COMMON RISK FACTORS FOR ALL DEPARTMENTS INCLUDE:

- A. Accepting cash payments (fees, taxes, bus fares)
- B. City buildings are open to the public during regular business hours, therefore employees are working in locations with uncontrolled public access to the workplace

- C. Lack of parking areas adjoining City buildings
- D. All clients must be served, including those who may dispute decisions made regarding services provided
- E. Working late at night or early morning hours
- F. Working alone or in small numbers

COMMON METHODS USED TO PREVENT INCIDENTS AND ADDRESS HAZARDS IDENTIFIED IN THE RISK ASSESSMENTS:

- A. City employees who accept and handle cash will be separated from the public
- B. Police escorts to the bank will be used whenever possible
- C. Security cameras will be installed in critical locations (public areas such as reception, hallways, entryways, parking lots)
- D. Reception areas may be separated from the public with protective safety glass
- E. Installing additional external lighting

HIERARCHY OF CONTROLS:

Risks identified through the risk assessment process will be addressed according to the following hierarchy:

- A. Engineering Controls; reducing hazards through the installation of physical barriers, such as separate interview rooms, or safety glass. The City will work to improve visibility and lighting, limit unrestricted access to buildings, increase video surveillance in necessary areas, install panic buttons, buzzers and door alarms where appropriate.
- B. Work Practice Controls; change policies, procedures, and practices to reduce risk and promote safety. The City will work to ensure proper locking of doors, establish rules and check in/out procedures for employees working alone or late at night, adopt safety procedures for offsite work, requiring employees to report all threats, integrate violence prevention into daily procedures.
- C. Personal Protective Equipment (PPE); some employees, especially those who work in non-traditional settings (i.e. Public Works, Public Transit) will be provided PPE when no other means of reducing risk is available.

ANNUAL PROGRAM REVIEW:

The Personnel Director, in conjunction with the City Manager, Authorized Employee Representatives, City Emergency Management Official(s) and Police Chief will review this Program annually, on or around July 1st of each year, and recommend revisions for adoption by the Common Council. Risk Assessments will be reviewed annually by the Department Head and the appropriate Authorized Employee Representative(s) who will note risks, recommend and implement mitigation efforts, and report any changes to the risk assessment to the Personnel Director. The annual risk assessment documentation will be maintained by the Department Head and Personnel Director. This documentation will be made available for review when such review does not increase risks to employee safety.

METHODS THE CITY OF ONEONTA WILL USE TO TRY TO PREVENT WORKPLACE VIOLENCE INCIDENTS:

- A. The City of Oneonta will ensure that all employees are made aware of their role in safeguarding employees, clients, and visitors. This will be done by reviewing the security policy and procedures at new employee orientation, through the distribution and availability of the policy and procedures in paper and electronic formats, through review of the policy and procedures, and through employee inquiry.
- B. The Personnel Director will review all workplace violence incident reports at least annually, in conjunction with Authorized Employee Representatives. This ad-hoc committee will review aggregate

information regarding threats and incidents and will make recommendations regarding needed changes in City policies and procedures, physical structures, and operating procedures. Department Heads, the Personnel Director, and the City Manager will also review such incident reports regularly to evaluate trends or necessary actions.

- C. Any employee who feels his/her safety is threatened because of work-related issues may request to have a case reassigned because of such risk. Such requests must be made in writing to the employee's supervisor. The employee will meet with the supervisor and/or Department Head, if necessary, to discuss the reasons for the request. The supervisor is expected to consult with the Department Head regarding all such requests to seek additional information as necessary to make a decision. Unless otherwise notified by the supervisor, an employee will have a response within five business days.
- D. Any person who makes threats, exhibits threatening behavior, or engages in violent acts on City of Oneonta property will be removed from the premises as quickly as safety permits and shall remain off City of Oneonta premises pending the outcome of an investigation. Simple disagreements in the workplace may not rise to level of an incident under this program. The City of Oneonta's response to incidents of violence may include suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and criminal prosecution as appropriate.
- E. The City will train employees at time of hire, and at least annually thereafter, pursuant to the "Annual Training" section of this program, as noted below. The purpose of the training will be to increase employee awareness of the signs and effects of workplace violence, and the importance of reporting workplace violence.
- F. The City will enforce existing workplace rules, and evaluate any related rules, policies or procedures as needed for effectiveness.

ANNUAL TRAINING:

- A. Employees will be trained when an employee is initially assigned to a position and every year thereafter. The training will include the following items:
 - 1. The requirements of the law
 - 2. The risk factors in their workplace
 - 3. The location and availability of the written plan
 - 4. Measures employees can take to protect themselves from workplace risks and what the written violence prevention program specifies in that regard, including incident alert and notification procedures.
 - 5. Specific training will be provided at those sites where unique risk factors are present
- B. A comprehensive outline of the training to be provided can be found in Appendix C.

REPORTING OF THREATS:

- A. All City of Oneonta employees are responsible for notifying their supervisor of any threats they have witnessed, received, or have been told that another person has witnessed or received. Employees should also report behavior they regard as threatening or violent if that behavior might be carried out on a City site. The employee or his/her supervisor is responsible for notifying the Personnel Director of threats and incidents as soon as possible, but no later than the end of each business day. The Personnel Director will share appropriate information with other Department Heads when more than one City

department is or is likely to be effected by the threat or incident. In the absence or unavailability of the Personnel Director, notification must be made to the City Manager; in the absence or unavailability of the City Manager, the Oneonta Police Department must be notified.

- B. The employee will be asked to complete an Incident Report form, which can be found in Appendix D. This must take place as soon as possible, but no more than 24 hours after the threat or incident. If the incident has taken place over a weekend, it may be reported on Monday morning. In the case of an imminent threat during a weekend, the Oneonta City Police Department should be contacted immediately. The employee will give the employer a reasonable period of time to correct the problem in good faith. Submitted incident reports will be reviewed annually in conjunction with Authorized Employee Representatives.
- C. An employee who obtains a protective or restraining order that lists City locations as protected areas must provide a copy of the order to his/her supervisor. The City of Oneonta has confidentiality procedures that recognize and respect the privacy of the reporting employee(s).
- D. An employee who believes that a serious violation of the workplace violence prevention program exists shall bring the matter to the attention of a supervisor immediately either orally or in writing and shall afford the employer a reasonable opportunity to correct such activity, policy, or practice. Please note that a complaint to PESH, as described in paragraph E below, requires written notification to the employer first.
- E. Where an employee has reported an issue and the City has not corrected the matter after a reasonable period of time, the employee (or employee representative) may request that the Department of Labor conduct an inspection of the workplace. The Department of Labor can be reached at:

New York State Department of Labor
Division of Safety and Health
Binghamton District Office
44 Hawley Street, 9th Floor
Binghamton NY 12091
Phone: (607) 721-8211
Fax: (607) 721-8207

WHAT TO DO WHEN FACED WITH IMMINENT DANGER:

- A. An employee who believes that an imminent danger exists shall follow any established department procedures and also report such matter to law enforcement by calling 911. **Employees on the City Hall phone system must dial 8-911, Employees on the Oneonta Public Transit, and Water Treatment Facility phone systems must dial 9-911. Employees on the Wastewater Treatment Facility phone system must dial 1-911.** The Personnel Director should also be notified when possible.
- B. If any employee receives a bomb threat in person, or while talking with someone on the phone, the employee shall follow the procedures on the bomb threat checklist that is available from the Personnel Department and attached to this program as Appendix E ("Bomb Threat Procedures / Checklist" as issued by Homeland Security).

- C. If an individual makes a threat by mail, e-mail, or on voice mail, DO NOT ERASE THE E-MAIL OR VOICE MAIL MESSAGE.
- D. If an employee meets, either in the office or in the field, with an individual known to have been violent or who the employee believes may be threatening or violent, the employee must:
 - 1. Notify his/her supervisor of the need to meet with such an individual and of the possible threatening situation **before** the meeting takes place.
 - 2. Request assistance from his/her supervisor if the meeting or visit will take place on agency premises.
 - 3. The employee or supervisor must notify the Department Head if they have asked for a Law Enforcement or security staff escort to a meeting or visit for safety reasons.
- E. If an employee is working on City business while off-site during non-business hours and a situation arises that poses a threat to his/her safety, the employee must **call 911**.
- F. See Appendix H for recommended response procedures for both emergency and non-emergency situations.

DUTY TO WARN:

In furtherance of this program, employees have a "duty to warn" their supervisors, law enforcement personnel, or the Personnel Department of any suspicious workplace activity, situation or incidents that they observe or that they are aware of, involving current employees, former employees, contractors, or visitors that appear problematic. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, and threatening comments or remarks. The City of Oneonta will not condone any form of retaliation against any employee for making a report under this policy.

NOTIFICATION:

Affected employees will be notified by the Department Head of the actions Personnel and other the City management have taken in response to a reported incident and what actions are possible regarding the individuals in question, or law enforcement agencies.

NO RETALIATION:

The law prohibits an employer from retaliating against an employee who has:

- Made a report under this program
- Requested an inspection by Department of Labor officials
- Accompanied Department of Labor officials during the inspection

OTHER RELATED LAWS AND POLICIES:

- New York State Labor Law Section 27-b
- New York State Civil Service Law Section 75-b
- New York State Human Rights Law Article 15
- City of Oneonta Discriminatory Harassment Policy.