

## **WORKPLACE VIOLENCE & THREAT REPORTING**

STANDARD NO(S):

DATE:

June 25, 2009

REVIEWED: 04/04/2017

REFER TO:

John Cleere

### I. OBJECTIVE:

Seneca County prohibits workplace violence. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from County property and employees may be subject to disciplinary action up to and including termination, consistent with County policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. The County, at the request of an employee, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee on County property unless necessary to transact County-related business. This policy particularly applies in cases where the employee suspects that an act of violence will result from an encounter with said individual(s). Created 8/28/07, Board Resolution #224-07

### II. POLICY:

All County employees, elected County Officials, vendors, contractors, consultants, and others, who do business with the County, whether in a County facility or where official County business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the County, such as former employees and visitors. When employees have complaints about other employees, they should contact their immediate supervisor. If the complaint involves their immediate supervisor they should contact their department head.

### III. DETAILS:

- A.** Seneca County has a long-standing commitment to promoting a safe and secure work environment for all its employees. All County employees and elected County Officials are expected to maintain a work environment free from violence, threats of harassment, intimidation or coercion. While these behaviors are not prevalent in Seneca County's workplaces, no organization is immune.

The purpose of this policy 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.

Specifically, the County prohibits the following:

1. Non-specific threats of violence by employee
2. Specific threats of violence by employee
3. Threats of violence directed against an employee by a non-employee
4. Violent confrontation by a spouse or significant other with an employee over a personal/domestic dispute
5. Threats or threatening conduct by disgruntled or ex-employees
6. Violent altercations between two employees or employee and supervisor
7. Multiple assaults by intruder

## **B. Definitions**

1. Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, or the County's ability to provide services to the public. Examples of workplace violence include, but are not limited to:
2. Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists).
3. Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack).
4. 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.
5. Possessing firearms, imitation firearms, knives or other dangerous weapons, instruments or materials shall be covered under County Policy number 101.605, Section 34.

## **C. Reporting of incidents**

### **1. General Reporting Responsibilities**

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any County

employee or elected official. Workplace violence should promptly be reported using the threat summary form at the end of this policy. Additionally, County employees and elected officials are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined in Section IV. It is important that all employees and elected officials take this responsibility seriously to effectively maintain a safe working environment.

**2. Imminent or Actual Violence**

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

**3. Commitment of a Crime**

All individuals 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.

**4. False Reports**

Employees and elected officials who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/or referral to law enforcement authorities as appropriate.

**D. Responsibilities**

**1. Elected Officials and Department Heads**

Elected Officials and Department Heads shall be responsible for the implementation of this policy. The responsibility includes dissemination 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.

**2. 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 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 the supervisor should keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings.

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

**3. Employees**

Employees must report workplace violence, as defined above, 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 which 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 have copies of this policy made available to them. Additionally, the policy will be posted throughout County buildings and be placed on the County's intranet, as appropriate.

#### **4. County Safety Officer**

The County Safety Officer is responsible to insure that new employees or transferred employees have a copy of the Workplace Violence Policy and Procedures made available to them and also insuring County employees receive appropriate training. The County Safety Officer will also be responsible for annually disseminating this policy to County personnel, as well as posting the policy appropriately throughout county buildings and other work sites.

#### **5. Workplace Violence Advisory Team**

The County shall establish a Workplace Violence Advisory Team. This Team, will assist the County in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; assessing the potential problem of workplace violence at its sites; assessing the County's readiness for dealing with workplace violence; evaluating incidents to prevent future occurrences; and utilizing prevention, intervention, and interviewing techniques in responding to workplace violence. This Team will also develop workplace violence prevention tools (such as pamphlets, guidelines and handbooks) to further assist in recognizing and preventing workplace violence at County buildings and work sites. This Team shall include representatives from County departments, as deemed appropriate by the County Legislature.

### **E. Education**

The County is responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. The County Safety Officer, 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) that can be incorporated into County prevention materials for dissemination to County Employees.

## **F. Confidentiality**

The County shall maintain the confidentiality of investigations of workplace violence to the fullest extent possible. The County will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that the safety and well being of County employees would be served by such action.

## **G. Retaliation**

Retaliation 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 may be subject to discipline up to and including termination.

## **H. Administrative Procedures**

### **1. Review of Threat**

The administrator to whom the employee reports the threat will review the threat with that employee and with any other appropriate staff.

### **2. Completion of Threat Summary**

That administrator will begin to complete the Threat Summary form during the interview(s).

### **3. Notification of Other Administrators**

The supervisor will notify all other administrators (as appropriate) immediately thereafter.

{NOTE: The situation may dictate that the other administrators be notified even before all the details are known so that they can secure the workplace and warn others, as appropriate.}

### **4. Safeguarding the Workplace**

- a. The administrator 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.
- b. The administrator should consult with the Sheriff, the County Attorney and other county officials as the situation dictates.
- c. The administrator will make a reasonable effort to notify staff working in the field, if the threat is likely to impact them.

**I. Timeliness of Reporting**

It is the policy of Seneca County to react timely and reasonably to work-related threats against employees and/or their property. Because there are limits to Seneca County'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 rights 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.

**J. Legal Action**

Only the Department Head (or in his/her absence, the Acting/Deputy Department Head), shall initiate legal action on behalf of the County beyond notification of and coordination with law enforcement officials, with the approval of the County Manager and County Attorney.

**K. Distribution of Threat Summary**

1. If the employee's own administrator was absent when the report was made, the substitute administrator will provide a copy of the Threat Summary to the administrator as soon as possible, regardless of the expected duration of the threat. The employee's administrator will be responsible for taking any necessary action from that point.
2. As soon as the Threat Summary is reasonably complete, (usually within one workday), the administrator to whom the threat was first reported will give it to the Department Head's secretary to be kept on file. As the investigation proceeds, the administrator in charge of the case at any given point in time will update that official file as significant events occur. Updates might include:
  - i. Reports that the threatening individual stalked the employee at home;
  - ii. documentation of additional threats;
  - iii. further actions taken by the department or law enforcement; etc.
3. The official file will be kept current by any administrator who takes the investigation over from a substitute administrator.

**L. After-hours Threats**

If a work-related threat is received after work hours, the employee should immediately make arrangements to protect themselves (i.e., call a police agency and follow their instructions). The employee should then immediately notify their administrator or a substitute administrator, regardless of the time of day. The Seneca County Sheriff's Department should be given and will maintain a list of administrator's home phone numbers.

### M. Threat Summary

Date and time threat was received\_\_\_\_\_

Date and time threat was made\_\_\_\_\_

Who is threatened?\_\_\_\_\_

Who threatened them?\_\_\_\_\_

Address \_\_\_\_\_

Phone Number: \_\_\_\_\_ Date of Birth:\_\_\_\_\_

{DSS ONLY : Attach a WMS or CSMS inquiry screen, if available}

How was the threat made:

\_\_\_\_\_ In person

\_\_\_\_\_ On agency grounds

\_\_\_\_\_ At home

\_\_\_\_\_ Telephone

\_\_\_\_\_ Written

\_\_\_\_\_ Other

Detail the threat (if written, attach copy):

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Has this happened before? (When? Same circumstances?)

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Is there a catalyst?\_\_\_\_\_

Who else is involved in making the threat? (family, friends)

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What units or employees are known to be at risk?

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Location of employees at risk:

\_\_\_\_\_ In the office

\_\_\_\_\_ On-call

\_\_\_\_\_ Out of the office

\_\_\_\_\_ Home

What was the immediate action taken? \_\_\_\_\_

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History of the person making the threat? \_\_\_\_\_

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Is the agency about to take an action which may exacerbate the situation? \_\_\_\_\_

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Police Notified:

Department \_\_\_\_\_ Name of Officer \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Department \_\_\_\_\_ Name of Officer \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Department \_\_\_\_\_ Name of Officer \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Who was notified WITHIN the agency? (If notification was in writing, attach copy)



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Who was notified OUTSIDE the agency? (If notification was in writing, attach copy)\_\_\_\_\_

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Other actions taken:\_\_\_\_\_

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