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TOMPKINS COUNTY WORKPLACE VIOLENCE PREVENTION PLAN

This plan and set of procedures define how Tompkins County will respond to threats and incidents in the workplace and will help to define the responsibilities of the many individuals and systems 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.

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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 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

Nothing is more important to Tompkins County than 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 Tompkins County property will not be tolerated.

Tompkins County 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 insure that all Tompkins County staff, clients, and visitors are provided with a safe environment.

Goals:

- To provide a safe environment for staff, clients, and visitors to Tompkins County Government and sites where we may conduct business in the community.
- To provide guidance regarding direct or indirect threats to an employee, when an employee believes (s)he will encounter a potentially dangerous or violent situation.
- To insure that staff understands the roles and responsibilities of all parties in creating and maintaining a safe environment.
- To insure that all staff are familiar with the security policy, including it as part of initial and on-going training, and to regularly reinforce the responsibility of all staff to help create and maintain a safe environment for staff, clients, and visitors.

Who is Covered:

All Tompkins County staff, clients, and visitors. All volunteers, students, and interns who assist in staff work.

Annual Training:

- A. Tompkins County will make this written program available to employees and union representatives upon request.
- B. Training will be held at the time an employee is initially assigned to a post 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.

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Reporting:

- A. An employee who believes that a serious violation of a workplace violence protection program 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.
- B. The employee will be asked to complete an Incident Report form. This must take place immediately whenever possible, but in no case 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.
- C. All Tompkins County 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 is job-related or might be carried out on a County site.
- D. An employee who obtains a protective or restraining order that lists County locations as protected areas must provide a copy of the order to his/her supervisor. Tompkins County has confidentiality procedures that recognize and respect the privacy of the reporting employee(s)
- E. The employee or his/her supervisor is responsible for notifying the Commissioner of Personnel of threats and incidents as soon as possible, but no later than the end of each business day. The Commissioner of Personnel must share appropriate information with other Department Heads when more than one division is or is likely to be affected by the threat or incident.
- F. The Commissioner of Personnel is responsible for insuring that the County maintains a complete file of incident reports and related documentation that may include one or more voluntary statements that may accompany an Incident Report.
- G. The Department Head is responsible for forwarding a copy of all incident reports to the Commissioner of Personnel and the original to the Risk Manager as required by Administrative Policy Number 01-22.
- H. Where an employee has reported an issue and the County 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. A request to the Department of Labor for an inspection must
 1. Be in writing
 2. State with reasonable particularity the grounds for the requested inspection
 3. Be signed by the employee or employee's representative
 4. The Department of Labor can be reached at 607-721-8211
- I. The law prohibits an employer from retaliating against an employee who has:
 1. Made a report under this section
 2. Requested an inspection by Department of Labor officials
 3. Accompanied Department of Labor officials during the inspection

Procedures:

- A. If there is a threat or threatening situation that arises in the workplace, any employee that is aware of the situation must follow his/her department's procedures. This may include a formalized or designated response team with contact numbers or an alarm button in some locations or by dialing 911.

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B. Bomb Threats

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 their supervisor. Additional copies may be obtained from the Health and Safety Coordinator.

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, follow the procedures described in this section under “Reporting”.**

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. The employee or supervisor will request assistance from their 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 County 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.

Tompkins County’s Role:

A. Tompkins County will ensure that all employees are made aware of their role in safeguarding staff, 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 Department Head, the Commissioner of Personnel, and the Risk Manager will review Incident Reports regularly to evaluate trends or necessary actions.

C. If any staff person is called on by a Law Enforcement agency, to complete an affidavit regarding a work related threat or incident he/she will receive the guidance of the County Attorney. Tompkins County staff shall not appear in court on a work-related issue without the knowledge and guidance of a County Attorney.

D. Any staff person who feels his/her safety is threatened because of work related issues could 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 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.

E. Items of concern regarding safety and security will be brought to the Safety Committee. This group will review aggregate information regarding threats and incidents on a regular basis and will make recommendations regarding needed changes in department policies and procedures.

F. The Personnel Department will coordinate training in personal safety for all employees on a periodic basis.

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- G. Any person who makes threats, exhibits threatening behavior, or engages in violent acts on Tompkins County property will be removed from premises as quickly as safety permits and shall remain off Tompkins County premises pending the outcome of an investigation. Tompkins County 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.

RISK EVALUATION AND PREVENTION:

- A. Tompkins County will evaluate the risks in the workplace including risks associated with:

1. Working in public settings
2. Working late night or early morning hours
3. Working alone or in small numbers
4. Uncontrolled access to the workplace
5. Areas of previous security problems

- B. Tompkins County will use the following methods to prevent workplace violence including:

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
6. Establishing and implementing reporting systems for incidents of aggressive behavior

CLIENT CONFIDENTIALITY:

When criminal charges are filed against a client, the employee must provide the client's name, address, and date of birth. No other information from department records will be provided without approval of the Department Head or the Commissioner of Personnel and the County Attorney.

NOTIFICATION:

- A. Employee Role: It is extremely important, and every employee's responsibility, to see that Incident Reports are submitted to his/her supervisor.
- B. Supervisor's Role: Responsible to ensure that the Incident Report is submitted to the Department Head.
- C. The Department Head is responsible for reporting all incidents of violence and/or threatened violence to the Commissioner of Personnel and to the Risk Manager.
- D. Affected employees will be notified by the Department Head of the actions Personnel has taken in response to the incident and what actions are possible regarding the individuals in questions, or law enforcement agencies, such as the District Attorney's office.

DUTY TO WARN

- A. In furtherance of this plan, employees have a "duty to warn" their supervisors, security personnel, or human resource representatives of any suspicious workplace activity, situation or incidents that they observe or that they are aware of, involving other employees, former employees, contractors, or visitors

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that appear problematic. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks and the like. The County of Tompkins will not condone any form of retaliation against any employee for making a report under this plan.

Definitions:

Address: Tompkins County Personnel Department, 125 E. Court Street, Ithaca, NY 14850 will be used when needed or requested. This will not apply if an employee is acting on his/her own initiative as a citizen, in which case his/her home address may be required.

Affidavit: A written declaration made under oath, before an authorized official. Affidavits are used by law enforcement agencies and prosecutors to garner the statements of parties involved in an incident or crime. Affidavits are available to the defendant and his/her attorney if an incident is prosecuted. They are often called supporting depositions or voluntary statements.

Automobile Accident Form: Required County form to document an accident in a county vehicle or a personal car used on County business.

County Attorney: A lawyer employed by Tompkins County to provide legal advice to departments and staff.

Criminal Charges: Actual filing of a criminal complaint that results in an arrest warrant or appearance ticket requiring the perpetrator to respond in court to the charges.

Incident: An action that may have further consequences, i.e. medication error, personal injury while on duty, or negative interaction with a client.

Incident Report: Required County form to document an incident. This form is available from your supervisor or on the web at http://oldweb.tompkins-co.org/employee_only/forms/index.aspx

Law Enforcement: Agencies who may be contacted in the event of an emergency, including: City Police, State Police, the Tompkins County Sheriff's Office, and on some occasions, the FBI. All of the above agencies, with the exception of the FBI, can be reached in an emergency by dialing 911.

Order of Protection: An Order of Protection is an order of a court that prohibits a person from specific contact with another person and can prohibit a number of defined behaviors, including prohibiting a person from appearing at a person's home or place of employment.

Perpetrator: The person who makes a threat or commits an act of violence.

Safety Committee: A group of department representatives that meet on a quarterly basis to discuss safety requirements, fire safety, and occupational safety inspections.

Threats: Criminal behavior, personal threats, physical contact and stalking, domestic violence – including threats received at work or at home arising out of an individual's status as a Tompkins County employee. Threats may be conveyed orally, physically, by telephone, by mail or electronic mail, or through a third party.

Victim: The person who is threatened or toward whom an act(s) of violence is directed.