

Cayuga County Policy Manual
Section 59

*The CAYUGA COUNTY
Workplace Violence
Prevention and
Response*

**Adopted by the Cayuga County Legislature
March 23, 2010; Resolution 156-10
Original Version with amendment to form
Cayuga County Administrator's Office**

I. INTRODUCTION

Cayuga County is committed to the safety and security of its employees. The potential for workplace violence represents a serious occupational safety hazard to our staff. Threats, threatening behavior, or acts of violence against Cayuga County employees, visitors, guests, or other individuals by any person will be thoroughly investigated and action will be taken, including summoning appropriate authorities when warranted. All employees are responsible for helping create an environment of mutual respect for each other as well as clients.

This policy is designed to meet the requirements of NY Labor Law §27-b and highlights some of the elements that are found within Cayuga County's Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace hazards to which our employees could be exposed. Other tools that were utilized during this process included an informational seminar for Department Heads and designated employees: "train the trainer" provided by NYS Worker's Compensation Alliance; a physical assessment of all County-owned property to help determine the possible dangers that employees may face from workplace violence; a survey of all employees to gain knowledge if unreported workplace violence has occurred before the formation of this policy; signs in every County owned building for public awareness stating that Cayuga County has "Zero Tolerance for Work Place Violence" (in accordance with the Workplace Violence mandate required by OSHA and Section 27-b of the New York State Labor Law); and the creation of the "Risk Management Committee" for the continued safety of all employees.

The goal of this policy is to promote the safety and well-being of all people in our workplace. Counseling services or referrals will be made available for employees.

Education and participation is required by all employees and administrators of Cayuga County. A copy of the Policy Statement will be made available to all employees and posted near the public entrance of all county buildings.

II. DEFINITION

Workplace violence can be any act of physical violence, threats of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs at the work site. Workplace violence can affect or involve employees, visitors, contractors, and other County employees.

Occupational Safety and Health Administration (OSHA)

Workplace Violence is violence or the threat of violence against workers. It can occur at the workplace or anywhere where County work is conducted and can range from threats and verbal abuse to physical assaults and homicide, one of the leading causes of job-related deaths.

Classification:

Type 1 - Criminal Intent: Type I incidents are those in which a perpetrator has no relationship to the worksite and commits a violent act while engaged in criminal activity.

Type II - Customer/Client/Patient: Type II incidents are those in which a perpetrator is not an employee, but has a relationship with the business as a customer, client or patient, and becomes violent while receiving services.

Type III - Co-Worker: Type III incidents stem from an employment relationship: they include incidents in which a current or former employee (or independent contractor) harms or threatens to harm another employee.

Type IV – Personal: Type IV incidents that occur in the workplace but arise from a personal or intimate relationship between the perpetrator and victim.

National Institute of Occupational Safety and Health (NIOSH)

The National Institute for Occupational Safety and Health defines workplace violence as “violent acts (including physical assaults and threats of assaults) directed toward persons at work or on duty.” Workplace violence is any physical assault, threatening behavior or verbal abuse occurring in the work setting.

III. RISK FACTORS

A number of different actions in the work environment can trigger or cause workplace violence. It may even be the result of non-work-related situations such as domestic violence or “road rage.” Workplace violence can be inflicted by an abusive employee, a manager, supervisor, co-worker, customer, family member, or even a stranger. Whatever the cause or whoever the perpetrator, workplace violence is not to be accepted or tolerated.

However, there is no sure way to predict human behavior and, while there may be warning signs, there is no specific profile of a potentially dangerous individual. The best prevention comes from identifying any problems early and dealing with them.

Typical risk factors of employment situation that may pose higher risks of workplace violence include:

- 1) Duties that involve the exchange of money.
- 2) Delivery of passengers, goods or services.
- 3) Duties that involve mobile workplace assignments.
- 4) Working with unstable or volatile persons in health care, social services or criminal justice settings.
- 5) Working alone or in small numbers.
- 6) Working late at night or during early morning hours.
- 7) Working in high-crime areas.
- 8) Duties that involve guarding valuable property or possessions.
- 9) Working in community-based settings.

IV RESPONSIBILITIES

It is up to each employee to help make Cayuga County a safe workplace for all of us. The expectation is that each employee will treat all other employees, as well as members of the public and potential consumers of Cayuga County's programs, with dignity and respect. You can and should expect management to care about your safety and to provide as safe a working environment as possible by having preventive measures in place and, if necessary, by dealing immediately with threatening or potentially violent situations which occur.

Because Cayuga County programs touch the lives of so many persons, you can expect at some point in your career to encounter individuals who don't share Cayuga County's core ethic of fairness, dignity, and respect. There are appropriate and effective ways to deal with such persons to avoid or minimize the damage they seek to cause, and we all need to educate ourselves on those methods.

In addition, supervisors and managers have the obligation to deal with inappropriate behavior by their employees and customers, to provide employees with information and training to employees on workplace violence, and to put effective security measures in place.

The following section provides a more detailed description of the responsibilities of various persons or offices.

Responsibilities:

- County Administration
 - Human Resources Staff
 - Department Heads
 - Employees
 - Unions/Designated Employee Representative
 - Security/Facilities Staff
 - Law Enforcement
-
- **County Administration**
 - Inform employees of County workplace violence policies and procedures.
 - Ensure that employees know specific procedures for dealing with workplace threats and emergencies, and how to contact police, fire, and other safety and security officials.
 - Ensure that employees with special needs are aware of emergency evacuation procedures and have assistance (as necessary) regarding emergency evacuation situations.
 - Respond to potential threats and escalating situations by utilizing proper resources from the following: local law enforcement, security, 911 and medical services, human resources staff, and the Employee Assistance Program.
 - Take all threats seriously.

- May check prospective employees' backgrounds as appropriate to the position of employment as determined by the appointing authority prior to hiring.
- Ensure that Superintendent of Buildings and Grounds and Law Enforcement Personnel have completed an on-site review of safety and security of buildings and offices.
- **Human Resources Staff**
 - Coordinate annual training for Workplace Violence Prevention Program.
 - Provide for supervisory training which includes basic leadership skills, such as setting clear standards of conduct and performance, addressing employee problems promptly, and using the probationary period, performance counseling, discipline, alternative dispute resolution, and other management tools conscientiously.
 - Provide technical expertise and consultation to help supervisors determine what course of administrative action is most appropriate in specific situations.
 - Determine whether sufficient evidence exists to justify taking disciplinary action once the investigation of any misconduct is complete.
 - Help supervisors determine proper reasonable accommodation.
 - Provide information on referrals to the Employee Assistance Program for counseling and referral services to employees.
- **Department Heads**
 - Ensure that the Cayuga County Workplace Violence Prevention and Response Policy, as well as appropriate department materials are available to all employees and that all employees are aware of the procedures and instructions in them.
 - Provide adequate resources for employee training and awareness.
 - Include workplace violence training in all employee orientation and supervisory training sessions.
 - Provide funding for appropriate safety and security of employees.
 - Ensure that performance standards of appropriate staff reflect the importance of workplace safety and security.
 - Provide for briefings on workplace violence at staff meetings.
- **Employees**
 - Contact Security, law enforcement or 911 if you perceive a threatening situation.
 - Be familiar with County policy regarding workplace violence.
 - Be responsible for securing their own workplace.
 - Be responsible for questioning and/or reporting strangers to supervisors.
 - Be aware of any threats, physical or verbal, and/or any disruptive behavior of any individual and report such to supervisors.
 - Be familiar with local procedures for dealing with workplace threats and emergencies.
 - Do not confront individuals who are a threat.
 - Be familiar with the resources of the Employee Assistance Program.
 - Take all threats seriously.
- **Unions/ Designated Employee Representative**
 - Be familiar with and actively support policy and contract language on workplace violence prevention.
 - Stay alert to security issues and potential threats.
 - Stay fully abreast of procedures for addressing workplace threats and emergencies.

- Stay fully abreast of the Employee Assistance Program, including the procedures/policy regarding the ability of designated union officials to make employee referrals to EAP.
- Work closely with all levels of management to ensure that employees are up to date on Department and agency workplace violence prevention policy and procedures.
- Participate fully with management in all phases of workplace violence prevention and response, including membership on threat assessment and incident response teams.
- **Security/Facilities Staff**
 - Serve as the liaison with law enforcement as well as the local expert on security matters.
 - Conduct regular threat assessment surveys of the facility to determine the level of security preparedness and any gaps in the security posture.
 - Serve as the facility security expert, keeping management advised of the risk of violence, the security gaps identified by threat assessments, and the means to close these gaps, including the latest technologies.
 - Work with facility personnel to improve the security level of the buildings, grounds, parking lots, etc.
 - Train facility personnel in security measures and violence prevention techniques. Facilities personnel should work closely with security staff to ensure buildings, areas, and grounds are safe for employees and visitors. This includes not only keeping buildings and grounds well maintained but participating with security personnel in threat assessment surveys, keeping management informed of the status of the physical plant, and providing budget requests with justification for security upgrades.
- **Law Enforcement**
 - Identify in advance and report to the County Administrator the types of situations that may occur and when and how law enforcement should be notified of an incident.
 - Indicate and report to the County Administrator whether law enforcement officers have jurisdictional restrictions and identify alternative law enforcement agencies that may be able to provide assistance.
 - Indicate and report to the County Administrator whether law enforcement officers have arrest authority.
 - Provide and report to the County Administrator threat assessment personnel who can assist the agency in determining the best way to protect personnel.
 - Suggest and report to the County Administrator safety and security measures that need to be implemented.
 - As requested, arrange for employee briefings or training on specific workplace violence issues.

V. IDENTIFYING POTENTIALLY VIOLENT SITUATIONS

The following may be warning indicators of potential workplace violence:

- 1) Intimidating, harassing, bullying, belligerent, or other inappropriate and aggressive behavior.

- 2) Numerous conflicts with co-workers or supervisors.
- 3) Bringing a weapon to the workplace, making inappropriate references to guns, or making idle threats about using a weapon to harm someone.
- 4) Statements showing fascination with incidents of workplace violence or statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides.
- 5) Statements indicating desperation (over family, financial, and other personal problems) to the point of contemplating suicide.
- 6) Direct or veiled threats of harm.
- 7) Substance abuse.
- 8) Extreme changes in normal behavior.

Once you have noticed a subordinate, co-worker, or customer showing any signs of the above indicators, you should take the following steps:

- If you are a co-worker, you should notify the employee's supervisor or department head immediately of your observations.
- If it is a member of the public, notify your supervisor or department head immediately.
- If it is your subordinate, then you should evaluate the situation by taking into consideration what may be causing the employees problems.
- If it is your supervisor, notify that person's supervisor immediately.
- Contact security, law enforcement or 911 if you perceive a threatening situation.

It is very important to respond appropriately, i.e., not to overreact but also not to ignore a situation. Sometimes that may be difficult to determine. Supervisors should discuss the situation with Human Resource Staff to get help in determining how best to handle the situation.

VI. Responding to Violent Incidents

No matter how effective the County's policies and plans are in detecting and preventing incidents, there are no guarantees against workplace violence. Even the most responsive employers face this issue. When a violent incident does occur, it is essential the response be timely, appropriate to the situation, and carried out with the recognition that employees are traumatized and that the incident's aftermath has just begun.

- **Occupant Emergency Plan**

The County has distributed to each employee and the County has trained each employee on a viable occupant emergency plan outlining procedures to follow in the event of fire, bomb threats, threats of violence both inside and outside the building, natural disasters, etc.

If you do not have a copy of the current occupant emergency plan for your facility, contact your supervisor or the Superintendent of Buildings and Grounds.

VII. EMPLOYEE REPORTING PROCEDURES

The following obligations apply to all employees:

Employees will not be discriminated against or retaliated against for bringing forth a safety and health concern, for filing a complaint or for participating in or causing any proceeding or inspection relating to this program.

Understand the warning signs of potentially violent individuals or situations.

Refrain from all acts of workplace violence, be courteous and respectful to all co-workers and to the public, use safe work practices and follow directives, policies and procedures to help facilitate a safe work environment.

For your protection it is imperative that you provide notice and a photocopy to your Department Head regarding any orders of protection made for your benefit.

Promptly report to their supervisor the presence of a person in the workplace who has a history of violence or any other situation that leads the employee to believe there is a heightened risk of workplace violence.

Report any observed acts of workplace violence immediately to your Department Head or supervisor.

If any person is experiencing or witnessing imminent danger or actual violence involving weapons or personal injury immediately call 911.

VIII. DEPARTMENT HEAD/SUPERVISOR REPORTING PROCEDURES

Get all facts, including date, time, location, history of relationship between parties and names of any individuals who may have witnessed the act.

Provide employee with a Cayuga County Incident Report Form.

Provide information to the Human Resources Administrator.

Provide employee with information on the Employee Assistance Program.

IX. TRAINING

It will be the responsibility of the County initially train all new hires as well as to meet with employees on an annual basis to provide Workplace Violence Training. The training shall include the following:

- 1) What is Workplace Violence?
- 2) County's commitment to Zero Tolerance of Workplace Violence.
- 3) Techniques on how to recognize and avoid Workplace Violence situations.
- 4) What are the high risk occupations.
- 5) How to report a Workplace Violence incident.
- 6) The importance of reporting all incidents.
- 7) How and when incidents will be investigated by the employer.
- 8) Where employees go for assistance.

X. RISK MANAGEMENT COMMITTEE

The Cayuga County Risk Management Committee will identify potential risks by conducting an evaluation of all county owned property and facilities. Once the assessment has been completed, the Committee will submit a report to the County Administrator setting forth the risk or risks identified, as well as recommending remedial actions. The County Administrator will bring the findings and recommendations to the attention of the County Legislature, and as appropriate, the Department Head.

Members of this committee, or their designated representative, are as follows:

Sheriff
County Attorney
Director of Emergency Management
Deputy Director of Health Services
Superintendent of Buildings and Grounds
Park Maintenance Supervisor
Labor Representative(s)
Human Resources Administrator
Compliance Officer
County Highway Superintendent
Nursing Home Administrator
Workers Compensation Representative

The County Administrator may appoint other members to the committee as he/she may deem appropriate.

XI. RISK EVALUATION

A survey will be conducted periodically seeking input from all County employees as to their experiences in connection with workplace violence; whether they have ever felt threatened or unsafe; and seeking their suggestions for improvement. This survey will be conducted by the County Administrator and Human Resources Administrator. A report will be provided to the County Legislature, Management and Department Heads. A physical building and facility security risk assessment will be included in the survey.

An examination of records for any past incidents will be conducted by the Human Resource Administrator. This information will help identify any patterns or trends that may exist.

XII. RECORD KEEPING

An employer is required by Law to record and report workplace violence that results in work-related death, injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve lost time from work, medical treatment, loss of consciousness, restriction of work or motion or transfer to another job.

Fatalities and multiple hospitalizations must be reported to Public Employee Safety and Health Bureau (PESH) within 8 hours of the incident.

The Syracuse region PESH office which covers Cayuga County, contact information is as follows: phone number is 315-479-3212; fax number is: 315-479-3451; address is NYS Department of Labor- PESH, Syracuse District Office, 450 South Salina Street, Room 401, Syracuse, NY 13202.

POLICY

Cayuga County is committed to providing a safe workplace for our employees. The County will not tolerate acts or threatened acts of violence by employees or non-employees in County facilities or on County property.

Examples of prohibited conduct include, but are not limited to bullying, striking or attacking another employee, written, verbal or physical threatening of an employee with bodily harm, and bringing guns or other weapons onto County property (with the exception of those positions identified in Local Law 2 for the Year 1995: Police officers, including any state or federal law enforcement officer; Sheriff or deputy sheriff; security officer in the employ of the County of Cayuga or the New York State Office of Court Administration; Judge; District Attorney or staff; Peace officer or corrections officer while present on duty assignment in uniform).

Violations of this policy will subject employees to discipline up to and including termination.

Any threat or act of violence should be taken seriously, and any employee who has been a victim of workplace violence or is aware of such conduct should immediately report the incident to their Department Head or the Human Resources Administrator. The Department Head should immediately involve the Human Resources Administrator. A Work Place Violence Incident Report Form must also be completed and submitted to the Department Head. The Department Head must immediately submit the Work Place Violence Incident Report Form to the Human Resources Administrator. A Cayuga County Work Place Violence Incident Report Form, may be obtained from your Department Head, Human Resources Administrator, or the Clerk of the Legislature. All reports will be promptly investigated and appropriate action will be taken.

Employees will not be subject to discipline or retaliation of any kind from County Management or fellow employees for reporting actual or potentially violent situations.

This Policy statement was adopted on March 23, 2010 and made a part of the Cayuga County Employee Handbook.

Cayuga County Workplace Violence Incident Report Form

Victims and/or witnesses of workplace violence should complete and file this form with your Department Head or the Human Resources & Civil Service Commission as soon as possible after an incident occurs but within 24 hours of incident. **NOTE:** Not all questions may be applicable to each particular circumstance reported. Sections 1 – 4 should be filled out by the victim or his/her designee along with signed Victim/ Witness Account Form. Sections 5 – 11 should be filled out by the evaluator.

SECTION I		
Date of Incident	Day of Week	Time A.M. or P.M.
		Date of Report
Location of Incident (map or sketch on reverse side)		Was there property damage? Briefly list
SECTION II		
Name of Victim	Victim's Phone Numbers	Victim's Gender
Home Address	Home	Male <input type="checkbox"/>
Work Location	Work	Female <input type="checkbox"/>
	Cell	
	Victim's email address	
Victim Description	If victim is County Employee:	Is victim a unionized employee?
<input type="checkbox"/> County Employee	Job title	Yes <input type="checkbox"/>
<input type="checkbox"/> Visitor	Department	Union/Local:
<input type="checkbox"/> Client/Customer <input type="checkbox"/> Other	Supervisor's Name	No <input type="checkbox"/>
(Explain other)	Was supervisor notified No <input type="checkbox"/> Yes <input type="checkbox"/>	
	Date and Time	
SECTION III		
Name of Assailant	Assailant's Phone Numbers	Assailant's Gender
Address:	Home	Male <input type="checkbox"/>
	Work	Female <input type="checkbox"/>
	Cell	
	Assailant's email address	
Assailant's Description:		Did incident include a weapon? No <input type="checkbox"/> Yes <input type="checkbox"/>
Height _____ Weight _____ Hair color/length _____		If yes, describe the weapon
Eye Color _____ Facial Hair _____		How was it used?
Distinguishing Marks such as tattoo, scar, birthmark and location of such _____		

SECTION IV		
Describe incident (CHECK ALL that apply and use the Workplace Violence Incident Report Victim/Witness Account Form to describe the incident in detail)		
Harassed by email or other written communication <input type="checkbox"/>	Scratched <input type="checkbox"/>	Vandalism (other's property) <input type="checkbox"/>
	Slapped <input type="checkbox"/>	Vandalism (employer's property) <input type="checkbox"/>
Harassed verbally <input type="checkbox"/>	Hit with hand/fist/other body part <input type="checkbox"/>	Vandalism (own property) <input type="checkbox"/>
Threatened verbally <input type="checkbox"/>	Hit with object <input type="checkbox"/>	Animal Attack <input type="checkbox"/>
Threatened with a weapon <input type="checkbox"/>	Assaulted with weapon <input type="checkbox"/>	Arson <input type="checkbox"/>
Bitten <input type="checkbox"/>	Assaulted sexually <input type="checkbox"/>	Bomb threat <input type="checkbox"/>
Grabbed <input type="checkbox"/>	Shot (or attempted) <input type="checkbox"/>	Robbery <input type="checkbox"/>
Kicked <input type="checkbox"/>	Knifed (or attempted) <input type="checkbox"/>	Other (Describe) <input type="checkbox"/>
Pushed <input type="checkbox"/>	Stalked <input type="checkbox"/>	
SECTION V		
Was victim or assailant injured? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe	Was medical treatment provided? Victim Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe:	
Was injury report filed? No <input type="checkbox"/> Yes <input type="checkbox"/> Date:	Assailant Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe:	
Was victim referred to counseling? Yes <input type="checkbox"/> No <input type="checkbox"/> Where:	Was assailant referred to counseling? Yes <input type="checkbox"/> No <input type="checkbox"/> Where:	
SECTION VI		
Risk Management Team notified? Yes <input type="checkbox"/> No <input type="checkbox"/> Date and Time	Security notified? Yes <input type="checkbox"/> No <input type="checkbox"/> Date and time	Police notified? Yes <input type="checkbox"/> No <input type="checkbox"/> Date and Time
Responding Police Officer Name Badge # Municipality/Agency	Restraining order issued? No <input type="checkbox"/> Yes <input type="checkbox"/> Date and Time	
	Was assailant arrested? No <input type="checkbox"/> Yes <input type="checkbox"/> Date and Time If yes, what were the charges?	
SECTION VII		
List of witnesses (attach witness reports)		
SECTION VIII		
Measures taken to prevent recurrence:		

SECTION IX

What remedy, if any, does the victim request?

SECTION X

What happened to assailant? (Final disposition of incident) Describe specifically (Arrested, Discipline, Transferred, etc.)

SECTION XI

Name of person completing this form

Date

Work phone number

Relationship to victim or assailant

Address or Work Location

Workplace Violence Incident Report Victim/Witness Account Form

Note: Complete this Form as soon as possible but within 24 hours of incident if you are the victim of or witness to the alleged workplace violence –Photocopy additional copies as needed.

Date of Incident	Name Victim <input type="checkbox"/> Witness <input type="checkbox"/>	Date of Report
	Address/City Location of witness	Phone Number
Describe Incident in Detail. Include what happened, where, who was involved, other witnesses, what you heard, saw, etc.		
List Names of Other Witnesses		
Signature		Date
Person Receiving Witness Statement		Date

PLEASE RETURN COMPLETED FORM TO YOUR DEPARTMENT HEAD AND YOUR DEPARTMENT HEAD WILL NOTIFY THE HUMAN RESOURCES OFFICE. YOU MAY ALSO SUBMIT THE FORM DIRECTLY TO HUMAN RESOURCES AT 160 GENESEE STREET, 2ND FLOOR, AUBURN, NY 13021 TELEPHONE NUMBER: 315-253-1284