

Updated October 28, 2019

**CITY OF JAMESTOWN
WORKPLACE VIOLENCE PREVENTION POLICY**

I PURPOSE

The City of Jamestown is committed to providing a safe and secure environment for its employees and customers. New York State Labor Law §27-b mandates the implementation of a policy to prevent workplace violence. The purpose of this policy is to promote a workplace environment free of acts of violence, threats of violence and intimidation.

II APPLICABILITY

All employees of the City of Jamestown are required to comply with this policy.

III DEFINITIONS

Act of Violence: An intentional physical or aggressive act that causes or results in bodily harm, however slight, to another person or damage to property, other than justifiable self-defense.

Intimidation: An intentional act, whether verbal or non-verbal, that causes another person to fear for his/her safety or property or the safety of others, including, but not limited to, stalking, harassing phone calls, name-calling, obscene language and other abusive behavior.

Threat of Violence: An intentional act, whether verbal or non-verbal, that threatens harm to oneself or another person or damage to property.

Weapon:

- a. Any firearm, rifle or shotgun including but not limited to;
 - Machine gun
 - Assault weapon
 - Stun gun
 - Air gun, Spring gun or BB gun
 - Knife, other than a Swiss-army type implement, pen knife or knife designed for cooking, serving or table use
 - Bomb, incendiary device or explosive
 - Any hazardous substance as defined by the Occupational Safety and Health Administration and is not issued by the City of Jamestown for use in the workplace
- b. Any other item listed in New York State Penal Code Section 265.00 or prohibited under Article 265 of that Code and any device, chemical substance or instrument for which possession or use is prohibited by federal law or any applicable local law or ordinance.

c. Any toy or replica of an item in “a” OR “b” above

d. “Noxious material”, as defined in Section 270.05(1) of the New York State Penal Code.

Workplace: Any City of Jamestown property, vehicles, offices, facilities, City of Jamestown sponsored events and any location, either permanent or temporary, where an employee performs any work-related duty.

Workplace-Related: Arising from an individual’s employment with the City of Jamestown and/or from work relationships with City of Jamestown employees, officers, contractors, agents or customers.

NOTE: An act may be considered an act of violence, a threat of violence, or intimidation under this policy regardless of the subjective belief of the responsible person that the act was meant as a “joke,” “teasing,” or was otherwise not meant “seriously.” Whether an act falls within one of the above definitions will be judged from the perspective of a reasonable person in the position of the person against whom the act was directed or made.

IV POLICY

Employees are prohibited from engaging in acts of violence, intimidation, and/or from making threats of violence against any person in the workplace or that are workplace-related. The City of Jamestown will not tolerate any type of workplace or workplace-related violence committed by or against employees, officers, citizens, contractors, agents and/or customers of the City of Jamestown. All reported incidents will be investigated and appropriate action will be taken. Employees are prohibited from engaging in acts of violence or intimidation and from making threats of violence against any person.

Employees are also prohibited from bringing into, possessing and/or using any weapon in any workplace. The possession of a permit to possess or carry a weapon shall not be a defense to a violation of this policy. The sole exception to the prohibition against weapons in the workplace shall be for sworn law enforcement officers or firefighters possessing and/or using a weapon authorized by both law and their respective department.

V EMPLOYEE RESPONSIBILITIES

All employees are required to adhere to this policy. Employees are directed to review and familiarize themselves with the provisions of this policy in order to promote a safe workplace environment, to reduce the risk of violence and to educate themselves as to prohibited conduct. It is the responsibility of every employee to assist and cooperate in making the workplace as safe as possible by refraining from prohibited conduct and by promptly reporting threats of violence, acts of violence or intimidation to a supervisor, the Department of Human Resources and/or the Police Department, regardless of whether the employee is the object of the conduct.

- a) Employees are to report any violation of this policy to their next-in-line supervisor who is not a party to the violation. No employee shall be subjected to criticism, reprisal, retaliation or disciplinary action for good faith reporting pursuant to this policy.
- b) Employees who are the subject of, or witness to, a possible violation of this policy may be required by management to document their experience or observations in order to investigate the situation.
- c) Employees are required to report and provide documentation to Human Resources and to their supervisors regarding any Restraining Order/Order of Protection to which that employee is subject if such Order may affect the workplace.
- d) Employees are directed to report to Human Resources and to their supervisors any situation that may present an imminent danger of violence in the workplace.

VI SUPERVISORY RESPONSIBILITIES

All supervisory employees are required to adhere to this policy.

Supervisors have a crucial role in making the workplace a safe and secure working environment by reducing the potential for employee workplace violence through training, appropriate and consistent use of sound supervisory practices and by applying timely corrective action when necessary. Persons who engage in threats of violence, intimidation or acts of violence are to be immediately removed from the workplace pending full investigation of their conduct.

It is the responsibility of all supervisors to document and process all reports made under this policy in order that appropriate corrective action can be taken and consistent disciplinary action administered. A Workplace Violence Incident Report Form – a copy of which is attached to this Policy, is available from all department heads and the Human Resources Department, and is posted on the City’s website – must be completed and immediately faxed to Human Resources at **483-7544**.

All incidents shall be reported to:

- o next-in-line supervisor,
- o Department Head,
- o Human Resources Department, and
- o When appropriate, the Jamestown Police Department by calling 483-7536.

Note: During an actual emergency, Jamestown Police should be immediately notified at 483-7536 or 911.

All investigations will be treated as confidentially as practicable.

VII ENFORCEMENT

Threats of violence, intimidation, or acts of violence in the workplace or that are workplace-related will not be tolerated. Employees who engage in such conduct in the workplace will be immediately removed from the workplace pending investigation of the incident. Any employee

ultimately determined to have committed a prohibited act(s) will be subject to disciplinary action, up to and including termination. Anyone engaging in acts prohibited by law in the workplace or that are workplace-related may also be subject to criminal prosecution.