

Town of Duxbury, Massachusetts

OFFICE OF THE BOARD OF SELECTMEN AND TOWN MANAGER



TO: All employees, former employees, elected officials, appointed officials, volunteers, customers, vendors, contractors, consultants, the general public, and/or anyone who conducts business with the Town

FROM: The Board of Selectmen

DATE: October 27, 2015

RE: Workplace Violence Prevention Policy

It is the intent of the Town of Duxbury to provide a workplace that is conducive to personal safety and security and free from intimidation, threats, or violent acts. The Town will not tolerate workplace violence, or the threat of violence, by any of its employees, former employees, elected officials, customers, vendors, contractors, consultants, the public, and/or anyone who conducts business with the Town. While these behaviors are not prevalent in the Town, we recognize that no organization is immune. To that end, on Monday, September 21 the Town conducted a workplace violence prevention training for employees in partnership with the Police and Fire Departments.

Attached please find an updated Workplace Violence Prevention policy based on the Town's original policy adopted in 2002. The updated version explains that workplace violence includes any behavior which is intended (or which a reasonable person may perceive is intended) to abuse or injure a person, or damage or destroy property in the workplace including, but not limited to bullying, threats, a physical, verbal, written, or visual attack, or property damage.

The Workplace Violence Prevention Team includes the following (as well as a staff representative from the affected department, public safety, the employee assistance program, or others as deemed necessary):

Matthew Clancy, Police Chief
Lewis "Chip" Chubb, Police Lieutenant
Rene' Read, Town Manager

Stephen McDonald, Deputy Police Chief
Marianne Gonsalves, Human Resources Assistant
Jeannie Horne, Human Resources Director

Please read this important information carefully.

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I. Policy Purpose

It is the intent of the Town of Duxbury to provide a workplace (to include any Town owned property, building, park, parking lot, worksite, road construction/maintenance, tree/brush trimming, mowing, snow and ice operation or similar activity) that is conducive to personal safety and security, and is free from intimidation, threats, or violent acts. Accordingly, the Town maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, former employees, elected officials, customers, vendors, contractors, consultants, the general public, and/or anyone who conducts business with the Town. While these behaviors are not prevalent in the Town, we recognize that no organization is immune.

II. Definitions

Workplace violence is any behavior which is intended (or which a reasonable person may perceive is intended) to abuse or injure a person or damage or destroy property in the workplace including, but not limited to bullying, threats, physical, verbal, written, or visual attack, or property damage. The following definitions are provided to assist employees in more fully understanding the nature of the behavior prohibited by this policy; however, violent behavior is not limited to the descriptions below:

- Workplace bullying, repeated unreasonable or offensive actions in the workplace that impact or create a risk to the psychological or physical health, safety, or economic security of an employee. Workplace bullying includes behavior that intimidates, offends, degrades, or humiliates an employee.
- A threat, expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat, and regardless of whether the threat is intended to be contingent, conditional, or future.
- Surveillance, unapproved photos or videos via cell phone, cameras or camcorders.
- Use of weapons such as pocket knives, hammers, etc., in a dangerous or potentially dangerous manner is prohibited.
- Disruptive behavior, intended to interfere with, or prevent normal work activities (such as yelling, using profanity, hand gestures, waving arms or shaking fists).
- Physical attack, intentional hostile physical contact with another person or an object such as hitting, fighting, pushing, shoving, or throwing.
- Verbal attack, intentional hostile communication (including recorded messages) with another person such as abusive outbursts, verbal tirades intended to offend, offensive comments, or use of obscene, threatening, disparaging or derogatory language, or use of slurs or name-calling.
- Written attack, the use of printed or electronic media, including notes, letters, drawings, pictures, or computerized mail, to threaten, abuse, ridicule, or harass people, or threaten property.
- Visual attack, the use of bodily gestures that are threatening, obscene, or abusive.
- Property damage, intentional damage (as a reasonable person may presume by the nature of the damage) to property, which includes property owned by the Town, employees, or others.
- Any behavior outlined in the Town's Non Discriminatory and Anti-Harassment Policy.

III. Prevention of Workplace Violence

The Town subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

IV. Procedure for Reporting Threats

Employees are required to immediately, or as soon as practically possible, report each incident of violent behavior, whether the incident is committed by another employee, external individual such as a customer, vendor, or citizen, to department management, Human Resources (HR), or the Town Manager's Office. In addition, employees are required to warn of any suspicious workplace activity, situations, or incidents of which they are aware that may lead to workplace violence. Department management will inform HR in writing and verbally of all reported incidents of workplace violence and will work with HR to assess and investigate the incident and determine the appropriate action to be taken, including notifying the Police Department when appropriate. For incidents involving violent behavior by non-employees, HR will maintain – at a minimum - a written log of all reported incidents including the name of the individual, time and date of the incident, nature of the incident, and outcome.

In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire, and/or Ambulance personnel must be promptly notified by dialing 911. As necessitated by the seriousness of the incident, the Town Manager may assemble the Workplace Violence Prevention Team that consists of staff from the affected department, HR, public safety, the employee assistance program (EAP) and others as deemed necessary. Under such critical circumstances, this team shall be responsible for establishing the response protocol that may include but is not limited to:

- evaluating the potential for internal or external violence or danger as it relates to fire, bomb scares or other emergency
- assessing an employee's fitness for duty (in partnership with mental health professionals)
- establishing a plan for the protection of co-workers and other potential targets
- coordinating with affected parties such as victims, families, other employees or law enforcement personnel
- referring victims to appropriate assistance and community service programs
- conducting an investigation to include, the Police Department if it involves an emergency or criminal act, if not the Town Manager or designee

V. Incident Response Plan

If a department manager or employee believes that an individual's physical well-being is threatened, and the situation is of an emergency nature, he/she should call 911.

If the incident does not rise to the level of an emergency, the employee should contact his or her immediate supervisor/department manager. If the supervisor/department manager believes that a crime may have been committed, he or she should contact the Police Department.

In instances that involve emergency response or potential criminal activity, the Town Manager/designee will contact the Police Department for assessment, and, if necessary, request an investigation. The designee of the Chief of Police will coordinate the investigation and emergency response. The Town Manager/designee will convene the Incident Response Team, consisting of the Town Manager and/or Human Resources Director, the designee of the Chief of Police, the department manager, the supervisor (if applicable), and the EAP provider to develop and oversee the Town's administrative response to the incident.

In instances that do not involve emergency response, the Town Manager/designee will coordinate an internal administrative investigation, or refer the matter to the Police Department for investigation if it involves criminal activity. The Town Manager may convene the Incident Response Team, consisting of the involved department manager, supervisor, if applicable, the Town Manager, and/or Human Resources Director, and the EAP provider, to develop the Town's response to the incident.

VI. Incident Investigation

Workplace incidents involving emergency and/or criminal activity will be referred to the Police Department for investigation. An administrative investigation may be conducted by the Town Manager/designee concurrent with any criminal investigation, in cooperation with the Police Department. The Town Manager/designee will investigate workplace incidents that do not involve an emergency situation and/or criminal activity. The Town Manager/designee will conduct administrative investigations in a confidential manner, including the following procedures.

Victim interviews with an alleged victim will be conducted first by the Police Department in any incident involving emergency and/or criminal activity. As part of an administrative investigation, the Town Manager/designee will conduct an interview with the alleged victim in a sensitive, supportive and non-judgmental manner. The goal of the interview is to develop a true and accurate account of the incident. The investigator will:

- obtain the date and time of the incident;
- obtain answers to the questions: who, what, when, and where;
- determine the background of the situation, including the relationship between the parties involved prior to the incident;
- obtain the name of anyone else who saw or heard the incident, any person who the alleged victim has talked to about the incident, and any person who the alleged victim believes has also had encounters with the alleged offender;
- find out what other involved persons (if any) did in response to the incident;
- find out whether the other involved persons (if any) have documented the incident, or any other violent encounters with the alleged offender;
- reassure the alleged victim or other involved person that the Town is actively responding to the incident, and that any retaliation will not be tolerated; and
- advise the alleged victim or other involved persons of the assistance available from the Employee Assistance Program.

Alleged offender interview will be conducted first by the Police Department in any incident involving emergency and/or criminal activity. As part of an administrative investigation, the Town Manager/designee will conduct an interview with the alleged offender. The interview will be conducted with sensitivity and in a nonjudgmental manner. The investigator must keep in mind that a person is innocent until proven at fault. Unreasonable assumptions of guilt prior to an investigation or before an investigation has been completed can impede and interfere with a fair and appropriate analysis of the events. (In accordance with any collective bargaining agreement that may apply to the alleged offender, a union representative may attend the investigation meeting.)

The investigator will:

- present the incident or incidents described by the alleged victim;
- allow the alleged offender to present his or her side of the story;

- use questions such as "describe the incident that occurred between you and the alleged victim," and "describe your relationship with the alleged victim and other interactions that you have had;"
- listen attentively and open-mindedly as the alleged offender speaks;
- advise the alleged offender of the serious consequences of any form of retaliation against the alleged victim or any action that might be interpreted as retaliation; and
- advise the alleged offender about the assistance available from the Employee Assistance Program.

Interviews; Observers or others in the workplace will be interviewed first by the Police Department in any incident involving emergency and/or possible criminal activity. As part of an administrative investigation, the Town Manager/designee will conduct an interview with observers or others in the workplace using questions such as "What type of interaction did you observe between the alleged victim and the alleged offender?" and "Are there other people who might be able to comment or who observed the same incident?" The Town Manager will also advise any other persons who may have been affected by the incident of the assistance available from the EAP.

Follow-up; Upon completion of the fact finding portion of the administrative investigation, the Town Manager/designee may convene the Workplace Violence Prevention Team. The Town Manager/designee shall be responsible for:

- individual follow-up meetings with both the alleged victim and the alleged offender advising them of the findings of the investigator;
- imposition or recommendation of any disciplinary action;
- referral of the incident to the Police Department for investigation in the event of discovery of potential criminal activity; and
- evaluation of internal security measures.

VII. Post Incident

EAP - After a violent incident, the EAP will be notified and asked to offer counseling services to employees and their families, which may include, but not be limited to:

- providing a debriefing 24 to 72 hours after a serious incident of violence to include all affected employees to explain what happened, and what steps are being taken by the Town to support affected employees;
- providing a group debriefing after a serious incident of violence for immediate co-workers in methods of communicating with the victim/co-worker who is re-entering the workplace after an absence; and
- providing on-going follow-up counseling, as needed.

Discipline - Any employee who is found to be the initiator of criminal conduct or violence in the workplace shall be subject to disciplinary action, up to and including termination from Town service. Any disciplinary action will be taken in accordance with the relevant collective bargaining agreement, where applicable.

VIII. Incident Intervention

At-risk employees - Some employees are known to be at risk for violence because of the nature of their jobs. Other employees can be at risk because they are subjected to violence, threats, or harassment from a current or former spouse or partner or other non-employee.

Reports of violence - Individuals who are victims of workplace violence are encouraged to contact their department manager and/or the Town Manager/designee for response, action, and guidance. Individuals who are victims of domestic violence are encouraged to contact their local Police Department or domestic abuse hotline where the incident occurred for referral, support, and assistance.

Referrals - Managers and supervisors are encouraged to refer employees with attendance, behavior, performance or discipline problems to the Town Manger/Human Resources Director and/or to the Employee Assistance Program for referral, support and assistance, and to refer employees who request assistance with domestic violence concerns to EAP for referral, support, and assistance. The Human Resources Director and EAP will work with at-risk employees and their department heads to develop safety plans that address the specific risks the employees face while at work.

Each step of this process will be carried out in as expeditious a manner as possible, recognizing the need to address any threat in a timely, yet thorough and appropriate manner.

Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation (including, but not limited to unwarranted discipline, demotion, reduction in pay or position and/or termination) or harassment. Any action of this type resulting from a report of violence must be reported to the appropriate management staff for investigation and decision regarding proper action.

IX. Prohibited Actions & Sanctions

It is a violation of this policy to engage in any act of workplace violence or retaliation for reporting such behavior. Any employee who has been determined to be in violation of this policy will be subject to disciplinary action including but not limited to warning, reprimand, suspension or termination, according to the findings of the complaint investigation and, depending upon the violent act, may be subject to criminal sanctions.

X. Departmental Security Audits

Whenever the physical layout of the workspace is significantly altered, the department/division manager will work with the Police Department to examine the escape routes of the work area and communicate any changes to all department/division employees. On an as needed basis, the department/division manager may request a security audit from the Police Department to determine available security measures. All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential for or actual occurrence of a violent incident.

XI. Safety-Related Searches

Lockers, desks, storage drawers, work areas, work-provided phones, mobile devices, computers, and vehicles assigned to employees are Town property and are subject to unannounced inspections. Private items should not be stored in such property. The Town may exercise its right to search Town property for weapons and any other items not permitted on Town premises, town vehicles, or personal vehicles if used for Town business, or during business hours.

For legitimate safety purposes when there is a credible threat of workplace violence, the Town reserves the right to search the possessions of employees, vendors, contractors, and subcontractors upon entering and leaving Town property, and at any time while on Town property without prior announcement. At such times, all briefcases, purses, portfolios, lunch boxes, toolboxes, and other articles and containers may be subject to inspection. Employees refusing to submit to, or interfering with such searches may be subject to disciplinary action, up to and including termination.

XII. Employee Training

The department/division manager, or his/her designee, will orient all new employees to departmental/divisional procedures regarding reporting incidents of violence or retaliation, what to do if the employee is threatened and/or if an incident of violence actually takes place, and dealing with the after effects of an act of violence or retaliation.

XIII. Employee Assistance Program

Should an employee become the victim of an incident of workplace violence, the department/division manager should make sure the employee is aware of services available through the Employee Assistance Program (EAP) and may offer additional referral services to assist the employee and/or affected work group in coping with any effects of the incident.

Should it be determined in the investigation of a reported incident, that an employee did commit a violent act; the employee shall at a minimum be referred to the EAP by the department/division manager. In these cases, failure by the employee to keep an initial appointment with the EAP shall result in disciplinary action.

Approved by the Town of Duxbury Board of Selectmen on October 26, 2015