



CATTARAUGUS COUNTY

WORKPLACE VIOLENCE PREVENTION PROGRAM

Revised December 2022 and Adopted by Act 544-2022 of the
Cattaraugus County Legislature on December 14, 2022

SECTION 1 INTRODUCTION

Policy Statement

Cattaraugus County is committed to the safety and security of its employees. Workplace Violence presents a serious occupational safety hazard to our agency, its staff and clients.

The County will not tolerate Workplace Violence. Acts of violence in the workplace against any of our employees will be thoroughly investigated and appropriate action will be taken. Law enforcement will be notified when warranted. All employees are responsible for helping to create a mutually respectful environment, and to assist in maintaining a safe and secure workplace.

Workplace Violence is defined as but not limited to physical assault (e.g., hitting, pushing), threatening, intimidating, or aggressive behavior, or verbal abuse or harassment.

Employees are prohibited from possessing firearms or weapons (e.g., guns, knives (except for pocket knives or service weapons used in the normal course of the employee's job), explosives, and other items with the intent to inflict harm) in the workplace, even if the employee is licensed to carry the weapon. An employee who has knowledge that a coworker or visitor possesses a weapon on County property must report this to a Department Head or supervisor immediately.

For the purpose of this program, the workplace is defined as any location away from an employee's home, whether permanent or temporary, where he or she performs any work-related duty in the course of his or her employment. This includes, but is not limited to, County-owned buildings, County-leased buildings and spaces, and the surrounding perimeters, parking lots, work sites, client's homes, and traveling to and from work assignments.

Violations of this Policy will result in appropriate remedial, disciplinary, and/or legal action, proportional to the circumstances. An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

This Workplace Violence Prevention Program Policy Statement will be posted where notices to employees are normally displayed. In addition, a copy of the program manual will be made available to employees, the authorized employee representative(s), and the Commissioner of the New York State Department of Labor at each of the County's work sites during normal working hours.

The New York State Workplace Violence Prevention Act

Based on an increasing awareness of, and in response to, the violence that was occurring in public sector workplaces, the New York State Workplace Violence Prevention Act was passed in 2006. This Act amended NYS Labor Law by adding Section 27-b. Section 27-b requires all state and local government employers to take steps to ensure their employees are provided adequate protection from potential incidents of violence in the workplace.

Section 27-b requires Cattaraugus County to:

1. Conduct a risk assessment of its work sites to identify and address any existing risk factors that may increase the possibility of Workplace Violence;
2. Provide training for all employees (upon initial assignment and annually thereafter) which informs them of the risk factors that may be present at their work sites, the measures they can take to protect themselves from such risks, and the steps the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, and use of security alarms and other devices; and

3. Develop and implement a written Workplace Violence prevention program that lists the risk factors and the methods the employer is using to prevent violence and minimize or eliminate identified hazards.

What Is Workplace Violence?

For the purpose of this program, the term “violence” means harassing, intimidating, coercing, threatening, brandishing a weapon, stalking, physically harming another by fighting, pushing, shoving, or talking of engaging in such behavior. Workplace Violence is any act of physical violence, threat of physical violence, harassment, intimidation, or other threatening, disruptive behavior, whether physical or verbal, that occurs in the workplace.

Workplace Violence incidents are generally categorized into three levels:

- Level 1 -- Disruptive behavior including, but not limited to, verbal abuse, shouting, harassment, bullying, intimidation, obscene language or gestures, or making false statements.
- Level 2 -- Aggressive or threatening behavior including, but not limited to, threatening with an object, verbal threats of assault, obscene or threatening phone calls, being followed or stalked.
- Level 3 -- Physical assault including, but not limited to, pushing, grabbing, being hit by an object, sexual assault, stabbing, shooting or homicide

Workplace Violence can be inflicted by an employee, a supervisor, department head, resident, member of the public, contractor, vendor, family member, or even a stranger within the working environment.

What Is A Workplace Violence Incident?

For the purpose of this program, a Workplace Violence incident is defined as one or more of the following:

1. An attempt or threat, whether verbal or physical, to inflict injury upon an employee;
2. Any intentional display of force which would give an employee reason to fear or expect bodily harm;
3. Intentional and wrongful physical contact with a person without his or her consent that entails some injury or potential for causing injury; and/or
4. Stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee, and when such stalking has arisen through or in the course of employment.

While sexual harassment (as the same is defined in Executive Order #19 and the New York State Human Rights Law) is prohibited by Cattaraugus County, it is intentionally excluded from the definition of a Workplace Violence incident. An employee should refer to Cattaraugus County's Sexual Harassment Policy for more information about this topic.

Workplace Violence Imminent Danger

The Department of Labor defines an Imminent Danger as any conditions or practices in any place of employment which are such that a danger exists that could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated.

Other Definitions

The following definitions as set forth in Article 27b of the New York State Labor Law and 12 NYCRR Part 800.6 are to be used and incorporated herein as part of this program.

Authorized Employee Representative - An employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to Article 14 of the Civil Service Law.

Employee - A public employee working for an employer.

Employer - The State, any political subdivision of the State, any public authority public benefit corporation, and any other governmental agency or instrumentality thereof, except that an employer shall not include, for purposes of this part, any employer defined as such in Section twenty-eight hundred one-a (2801a) of the Education Law.

Retaliatory Action - The discharge, suspension, demotion, penalization or discrimination against any employee, or other adverse action taken against him or her in the course of employment.

Serious Physical Harm - Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ or a sexual offense as defined in Article 130 of the Penal Law.

Savings Clause

Cattaraugus County has made every effort to ensure that this Workplace Violence Prevention Program complies with NYS Department of Labor regulations. In the event any of the provisions, portions or applications of this program are found to be invalid or inconsistent with any superseding legal requirements by any tribunal of competent jurisdiction, then the provisions, portions or applications specified in such decision shall be of no force and effect, but the remainder of this program shall continue to be in full force and effect.

SECTION 2 EMPLOYEE AND SUPERVISOR ROLES AND RESPONSIBILITIES

Employee Responsibilities

Employee and authorized employee representative involvement in Cattaraugus County's Workplace Violence Prevention Program is essential to the program's success. Employees are expected to read, understand, and comply with the County's program and to attend ongoing education and training on Workplace Violence. Any questions should be directed to the employee's Department Head.

Employees must promptly report any violations of the County's Workplace Violence Prevention Program or any Workplace Violence Imminent Danger in accordance with the reporting procedures outlined in Section 5 (Incident Recordkeeping, Reporting, and Investigation) of this program manual.

Protective and Restraining Orders

An employee who applies for or obtains a protective or restraining order which lists specific workplace locations as being protected areas must provide the employee's Department Head with a copy of the petition and declaration used to seek the order. The Department Head is to notify the Deputy Personnel Officer and/or the County Attorney immediately. A copy of any temporary or permanent protective or restraining order that was granted must be provided to the County Attorney's Office. The employee or Department Head is to keep the County Attorney's Office apprised of the status of the case and/or court appearances. The employee is to provide the County Attorney's Office with any updated orders after the initial order. The County will follow confidentiality procedures that recognize and respect the privacy of the reporting employee.

Supervisor Responsibilities

Department Heads and Supervisors are responsible for communicating the Workplace Violence Prevention

Program to employees and answering any of their questions. Department Heads are expected to enforce the program in a fair and consistent manner and ensure all aspects of the program under their sphere of responsibility are properly met.

If an employee notifies his/her Department Head of an actual or potential Workplace Violence incident or submits a completed Workplace Violence Report Form, (which can be found on the County Policies Directory under Workplace Violence Report Form), the Department Head is responsible for following the reporting procedures as outlined in Section 5 (Incident Recordkeeping, Reporting, and Investigation) of this program manual.

Workplace Violence Prevention Committee

Cattaraugus County will establish a Workplace Violence Prevention Committee to administer the Workplace Violence Prevention Program. The responsibilities of each individual team member shall be determined by the Investigator and Safety Engineer of the Risk Management Division. The Workplace Violence Prevention Committee will include representation from all of the union's employee representatives. The listing of the County's Workplace Violence Committee members is available in the Office of Risk Management.

The Workplace Violence Committee's responsibilities will include, but will not be limited to, the following:

- Conducting a comprehensive risk assessment of the entire workplace to identify any factors or situations that may place employees at risk of violence;
- Conducting employee surveys and interviews to obtain feedback on the risk factors employees believe are present in the workplace, to determine if there have been previous Workplace Violence incidents, etc.;
- Developing and implementing risk reduction strategies and plans for responding to acts of violence;
- Coordinating employee training and education programs relating to Workplace Violence;
- Investigating Workplace Violence incidents and implementing any necessary measures to reduce or eliminate the likelihood of similar incidents occurring;
- Reviewing the Workplace Violence Prevention Program at least annually, to include analyzing Workplace Violence Incident Reports to identify trends in the types of incidents that occurred during the year and to determine the effectiveness of the mitigating actions taken; and
- Updating the Workplace Violence Prevention Program as needed.

SECTION 3 TRAINING AND EDUCATION

Training Requirements

All employees will receive training and education on the risks of Workplace Violence. Training will be provided at the time of hire and at least annually thereafter. Additional training may be required prior to starting a new job assignment, if new laws relating to Workplace Violence are enacted or there are changes in any current laws, or if the County makes significant changes to its Workplace Violence Prevention Program.

At a minimum, the County's employee training and education will address the following:

- Overview of the New York State Workplace Violence Prevention Act and NYS Labor Law

Section 27-b.

- Overview of the County's Workplace Violence Prevention Program.
- Workplace location of the County's Workplace Violence Prevention Program manual and procedures for obtaining a copy.
- Definition of Workplace Violence and the three levels of Workplace Violence.
- Methods of recognizing and responding to the three levels of Workplace Violence.
- Standard response action plan for violent situations.
- Procedures for reporting a Workplace Violence incident or imminent danger.
- How and when incidents will be investigated by the County.
- The risk factors identified in the Hazard Reduction Team's risk assessment and determination.
- Measures employees can take to protect themselves from identified risks.
- Procedures, policies, safety devices, and/or work environment accommodations that have been implemented to protect employees based on the results of the risk assessment.

Specialized training and education shall be provided to those employees who are at higher risk of Workplace Violence based on their job duties and/or work site location, such as law enforcement personnel.

Employees will be provided access to a copy of the County's Workplace Violence Prevention Program and will be required to sign a Policy Acknowledgement Form at the start of their employment. Additionally, Employees will complete an annual Workplace Violence prevention training assigned by the Risk Management Division. The signed acknowledgement form will be placed in the employee's personnel file. The record of completed trainings is available through the County's training platform.

Incident Recordkeeping

Cattaraugus County will maintain accurate records regarding all Workplace Violence incidents. The County will adhere to all of the requirements of 12 NYCRR Part 801, known as the Public Employer Recordkeeping Rule, which is implemented pursuant to Section 27-a of the Labor Law, for the recording of employee injuries or illnesses due to Workplace Violence incidents. All Workplace Violence incident forms will be kept according to the applicable retention and disposition schedules.

Any situation that meets the definition of a Workplace Violence incident as defined in Section 1 (Introduction) page 4, or any Workplace Violence injury that results in imminent danger, serious physical harm, death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness will be documented on a Workplace Violence Report Form. All reported Workplace Violence incidents will be documented in the RM Logs Confidential.

If a Workplace Violence incident meets the definition of a privacy concern case as specified below, before sharing a copy of the Workplace Violence Report Form with any party other than the Department of Labor, the County will remove the name of the employee who was the victim of the Workplace Violence incident and shall instead enter "PRIVACY CONCERN CASE" in the space normally used for the employee's name. The County will treat incidents involving the following injuries or illnesses as privacy concern cases:

1. An injury or illness to an intimate body part or the reproductive system;
2. An injury or illness resulting from a sexual assault;
3. Mental illness;
4. HIV infection;
5. Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material; and
6. Other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the Report.

Incident Reporting

The County will follow all federal, state and local laws and procedures in the reporting of Workplace Violence incidents.

Internal Reporting Procedures

Any employee or authorized employee representative who believes that a Workplace Violence Imminent Danger exists or that there has otherwise been a violation of the County's Workplace Violence Prevention Program should report the same to his or her Department Head. An employee is responsible for reporting all incidents of Level I violence in writing as soon as possible after the incident using the Workplace Violence Report Form. The promptness of reporting is important to protect relevant evidence and to ensure the stated concerns are addressed as soon as possible. Failure to report the incident within a specified time frame will not invalidate the investigation. All Level II and Level III incidents should be reported immediately to the Department Head, and the Deputy Personnel Officer.

The employee and/or Department Head is responsible for forwarding copies of the Workplace Violence Incident Report to the Investigator and the Safety Engineer of the Risk Management Division. If the Department Head is unavailable or is a party to the violation, the report should be made to the Investigator or the Safety Engineer in the Risk Management Division. If the Investigator and the Safety Engineer are unavailable or are a party to the violation, the report should be made to the Deputy Personnel Officer.

If, after providing the County with a reasonable opportunity to resolve the situation set forth in the Workplace Violence Incident Report, the employee believes that a violation of the County's program remains or that there continues to be a Workplace Violence Imminent Danger, the employee may contact the Commissioner of Labor at the New York State Department of Labor to request an inspection. Such request must be made in writing, signed by the employee or the employee's authorized representative, and include specific information as to the alleged violation or imminent danger. The Commissioner of Labor will provide a copy of the employee's notice to Cattaraugus County no later than the time of inspection. The employee may request that his or her name, the names of other individual employees, and/or the authorized employee representative's name be withheld from the County.

An employee is not required to provide written notice to the Department Head if a Workplace Violence Imminent Danger exists to the safety of a specific employee or to the general health of a specific person and the employee reasonably believes in good faith that reporting this information to the Department Head would not result in corrective action.

An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or any other adverse employment action for making a good faith report of Workplace Violence.

Law Enforcement Reporting Procedures

The Department Head or any County Official with knowledge is responsible for reporting any Workplace Violence incident that may be of a criminal or domestic violence nature to the Cattaraugus County Sheriff's Office. In the event of such reporting to law enforcement, the Department Head or County Official will also notify the Deputy Personnel Officer and the County Attorney immediately..

If a pattern of Workplace Violence incidents involving criminal conduct or serious injury develops, Cattaraugus County will collaborate with the District Attorney and/or Sheriff's Office to develop a protocol to ensure that any future violent crimes occurring in the workplace are promptly investigated and appropriately prosecuted.

If an employee chooses to file a criminal complaint, the County will provide the employee with the protocol and contact information for the District Attorney and/or County Sheriff's Office. The County will not infringe upon the right of any employee to pursue or file a criminal complaint.

Division of Safety and Health Reporting Requirements

The County is required to report any Workplace Violence involved fatalities and/or multiple hospitalizations to the Division of Safety and Health (“DOSH”) District Office within eight hours of any such incident. (Please refer to NYCRR Part 801 for complete information pertaining to employee recordkeeping and Public Employee Safety and Health (“PESH”) reporting requirements). The nearest DOSH District Office is located at:

Buffalo District Office
65 Court Street, Room 400, Buffalo, NY 14202
Phone: (716) 847-7133
Fax: (716) 847-7108

DOSH will use the same criteria to review complaints as that utilized by PESH. Whenever there is a Workplace Violence incident resulting in an employee fatality or multiple employee hospitalizations, DOSH will conduct an on-site inspection. Other valid complaints that do not involve a fatality or multiple hospitalizations may never-the-less result in an on-site inspection to determine if the County is in compliance with the Workplace Violence Prevention Act.

SECTION 4 INCIDENT RECORDKEEPING, REPORTING, AND INVESTIGATION

Incident Investigation

- **Risk Assessment after a Workplace Violence Incident**

The Investigator and/or the Safety Engineer of the Risk Management Division will coordinate or perform a risk assessment and determination immediately after the occurrence of a Workplace Violence incident. The investigation may take various forms, depending upon the type of incident.

Upon completion of its review, the Investigator and/or Safety Engineer will address the cause(s) of the incident and take the necessary steps to eliminate or reduce the likelihood of such an incident occurring again. The Workplace Violence Prevention Committee may also make recommendations for revising the Workplace Violence Prevention Program. Any revisions to the Program will be put in writing and made available to employees. Employee training will be provided if significant changes to the Program are made. The County will also consider global prevention enhancements at all work sites which may be necessary to properly protect employees.

- **Annual Review of Workplace Violence Incident Reports**

The Investigator and Safety Engineer are responsible for reviewing and updating the County’s Workplace Violence Prevention Program on an at-least annual basis. Part of this review will include summarizing the Workplace Violence Incident Reports and RM Logs Confidential from the previous 12 months so they can be analyzed for any trends in the types of Workplace Violence incidents occurring and to review the effectiveness of the mitigation actions the County has taken. Further, the County will review the incident reports at least annually with the Workplace Violence Prevention Committee.

SECTION 5 WORKPLACE RISK ASSESSMENT

Assessment Process

As required by Section 27-b of the New York State Labor Law, Cattaraugus County performed a risk evaluation of the workplace in general and at each work site specifically in the month of October 2010. Going forward, the Investigator and Safety Engineer will be responsible for conducting assessments of the workplace and every work site at least annually. If a concern is identified, the Investigator and Safety

Engineer in conjunction with the County Attorney and Deputy Personnel Officer will work to address the concern. The results of these assessments and mitigation efforts will be discussed with the members of the Workplace Violence Prevention Committee.

The work site specific risk assessment process included:

- An examination of the workplace to determine existing or potential hazards that may place employees at risk for incidents of Workplace Violence, paying particular attention to the following: working with the public or in public settings, exchanging money with the public, working alone or in small numbers, working late night or early morning, uncontrolled access to the workplace, and having a mobile workplace;
- An examination of past Workplace Violence incidents to identify any patterns as to the type and cause of injuries, particular work areas, or specific operations or individuals involved;
- A review of occupational injury and illness records (i.e., RM Logs Confidential, C-2f forms), accident reports, and any available insurance, police, or other incident reports in order to identify injuries that may have been the result of Workplace Violence.

Assessment Outcomes

- **Work Site Risk Assessments**

The risk assessment entails conducting a physical inspection of each worksite where one or more County employees perform any duties pertaining to their assigned job functions at least annually. During these inspections, if employees are able to speak with Risk Management at the time, Risk Management will solicit feedback from the employees about any concerns or incidents within their worksite. These physical inspections will be documented and retained in the Safety Engineer's Inspections folder on the Risk Management Drive.

- **Review of Workplace Violence Incidents**

A review will be made by the Risk Management Division for the County on an annual basis to review reportable incidents of Workplace Violence, if any. These findings will be reviewed at least annually with the Workplace Violence Prevention Committee.

- **Review of Occupational Injury and Illness Records**

It must be recognized that there are no certain means by which Workplace Violence can be completely prevented, that no process can wholly identify any and all conditions and risk factors that may exist in Cattaraugus County's workplace, and that the County's ability to mitigate those conditions and risk factors may be limited by fiscal and administrative constraints.

Cattaraugus County is committed to a safe working environment and will continue to assess substantiated risks that are reported. Cattaraugus County has, in the past, implemented policies and procedures that are designed to reduce or eliminate Workplace Violence. This commitment is further underscored by this Program.

SECTION 6 RESPONSE PROCEDURES

During An Incident

If a threatening situation arises:

- Try to remain calm;
- Remove yourself from the threat as soon as possible;
- Immediately call, or alert others to call, for on-site assistance from the appropriate resource (e.g., supervisor, police, ambulance). Refer to the County's emergency evacuation plan for the appropriate emergency contact number; and

- Notify coworkers as soon as practicable to enable them to also reach safety where the danger is imminent and applicable to them.

Post Incident

If a Workplace Violence incident occurs, an employee should submit a Workplace Violence Report Form. If the employee is unable to do so due to death or severe injury, the Supervisor should complete the Workplace Violence Report Form on the employee's behalf. The Risk Management Investigator, (or the Safety Engineer in the Investigator's absence) in conjunction with assigned representative from the Human Resources Department will conduct a thorough investigation of the situation.

The County will respect the privacy and confidentiality rights of employees during investigations to the fullest extent possible; however, the County cannot guarantee complete confidentiality.

Based on the specific situation and the results of the investigation, appropriate measures will be taken, if indicated, to eliminate or reduce the likelihood of similar Workplace Violence occurring in the future. If the Workplace Violence incident was related to a threat, all employees who might be affected if the person who made the threat was to carry out such threat will be given proper notification. Throughout the investigation, the County will maintain open lines of communication with its employees, visitors, and the public to answer questions and alleviate concerns.

Cattaraugus County will provide information to potential or actual victims about the options available to them, including applying for a restraining order, obtaining follow-up medical care, if applicable, and/or the availability of any counseling services through an Employee Assistance Program (EAP) or a similar resource.

Dealing With Conflict

There is no way to tell with certainty whether someone will become violent. However, there are often warning signs before violence occurs. These warning signs do not indicate unequivocally that an individual will become violent, but, when present in combination, they should be a cause for concern. Warning signs of potentially violent individuals include, but are not limited to:

- Written, oral, or implied threats or intimidation
- Fascination with weaponry or acts of violence
- Theft or sabotage of projects or equipment
- Alcohol or drug abuse in the workplace
- Expressions of hopelessness or heightened anxiety
- Intention to hurt self or others
- Lack of concern for the safety of others
- Externalization of blame
- Irrational beliefs and ideas
- Romantic obsession
- Displays of excessive or unwarranted anger
- Feelings of victimization
- Inability to take criticism
- New or increased sources of stress at home or work
- Productivity and/or attendance problems

List of Risk Factors

The County, through the Workplace Violence Prevention Committee, has identified the following occupations on County property and in the County workplace to have be those with the potential for increased risk of Workplace Violence:

1. Offices which handle the exchange of money, including cash, checks and credit card receipts;
2. Offices which handle issues which are stressful to employees and/or members of the public who provide services to or receive services from the County;
3. Working alone or in isolated groups; and
4. Working outside of normal business hours.

These risk factors will be re-evaluated annually within each work location through the employee safety survey, work site visits, and individual interviews conducted and reviewed by the Safety Engineer and Investigator in the Risk Management Division. The results of these evaluations will be discussed at the Workplace Violence Committee meetings.

Dealing With Potentially Violent Individuals

Do's

- Do project calmness. Move and speak slowly, quietly, and confidently.
- Do listen attentively and encourage the person to talk.
- Do let the speaker know that you are interested in what he or she is saying.
- Do maintain a relaxed yet attentive posture.
- Do acknowledge the person's feelings and indicate that you can see he or she is upset.
- Do ask for small, specific favors such as asking the person to move to a quieter area.
- Do establish ground rules. State the consequences of violent or threatening behavior.
- Do employ delaying tactics that give the person time to calm down. For example, offer a glass of water.
- Do be reassuring and point out choices.
- Do help the person break down big problems into smaller, more manageable problems.
- Do accept criticism. When a complaint might be true, use statements such as, "I am sorry this happened to you. Please provide me more details of this so I can assist you in correcting the situation." If the criticism seems unwarranted, ask clarifying questions.
- Do arrange yourself so that your exit is not blocked.
- Do make sure there are three to six feet between you and the other person.

Don'ts

- Don't make sudden movements that may seem threatening.
- Don't speak rapidly, raise your volume, or use an accusatory tone.
- Don't summarily reject all demands.
- Don't make physical contact, jab your finger at the other person, or use long periods of eye contact.
- Don't pose in challenging stances, such as directly opposite someone, hands on hips, or with arms crossed.
- Don't challenge, threaten, or dare the individual. Never belittle the other person.
- Don't criticize or act impatient.
- Don't attempt to bargain with a threatening individual.
- Don't try to minimize or make the situation seem less serious than it is.
- Don't make false statements or promises you cannot keep.
- Don't try to impart a lot of technical or complicated information when emotions are high.
- Don't take sides or agree with distortions.
- Don't invade the individual's personal space.