

# **TOWN OF CLAYTON FIRE DISTRICT**

## **RULES AND REGULATIONS**

### **WORKPLACE VIOLENCE POLICY**

**To Provide a Workplace Violence Policy for the Town of Clayton Fire District in Conformance with New York State Law.**

**Authority: Labor Law § 27-b; 12 NYCRR 800.6**

#### **POLICY**

The Town of Clayton Fire District (“Fire District”) is committed to preventing workplace violence and providing a safe work environment. The Fire District prohibits and does not tolerate violent acts or threats of violence against volunteers, employees, visitors, guests, community members or other individuals within its facilities or during any fire district/fire company related activity (including off duty periods).

The Board of Fire Commissioners will review this policy together with any reports of workplace violence on an annual basis and either revise the policy to address new matters or re-adopt the policy at its annual organizational meeting.

For purposes of compliance with the above-cited law and regulation, the Fire District has less than twenty full time permanent employees.

#### **TRAINING**

All Fire District personnel whether paid or volunteer will review and become familiar with this policy as a condition of commencing employment and will review this policy on an annual basis thereafter. The training will address risks of occupational assaults and homicides, workplace risk factors, actions employees can take to protect themselves and a review of this policy. The Fire District will provide such other and additional training as may be warranted or requested.

#### **DEFINITIONS**

Violence may be described as verbal or physical threats, intimidation, and/or aggressive physical contact. Prohibited conduct includes, but is not limited to the following:

- Intimidation, harassment, assault, stalking, or other conduct that causes a person to reasonably believe that he or she is under threat of bodily injury or death.
- Threatening, attempting, or inflicting injury or damage to another person (member), member’s family or property.
- Possessing a dangerous weapon such as firearm (except as permitted by law enforcement personnel), explosive or hazardous device, or using an object as a

weapon on Fire District property or during a Fire District/Fire Company related activity.

- Using obscene or abusive language or gestures in a threatening manner.

Because of the potential for misunderstanding, joking about any of the above conduct is also prohibited. Members are also expected to refrain from fighting, “horseplay” or other conduct that may be dangerous to others.

## **RISK EVALUATION AND DETERMINATION**

The Fire District has reviewed records relevant to identifying patterns in the types and causes of injuries and has evaluated the prevalent workplaces where employees of the Fire District customarily work and are subject to risks. The Fire District has considered assessed relevant administrative risk factors including the existing policies, work practices, and work procedures that impact the risks and workplace safety. While Fire District fire stations are typically secure with restricted access by the public, the nature of the fire service in providing firefighting and emergency services to the public mandates that a majority of the Fire District’s work be performed off-site, in areas of uncontrolled public access and personal residences during all hours of the day, in locations and under circumstances beyond the control of the Fire District. In virtually all instances of out-of-station work, law enforcement personnel are already on or responding to the scene. It is the policy of the Fire District that its employees not enter potentially dangerous scenes or work environments until after law enforcement personnel are present on scene and have made the scene safe from threats, assaults, or similar perils.

## **RESTRAINING ORDERS**

Any member who obtains a restraining order against any person should immediately notify Fire District management. The Fire District has made a commitment to provide a safe workplace and can only do so if it receives information concerning individuals who have been ordered to maintain a distance from its facilities and/or members.

## **WARNING SIGNS OF POTENTIAL VIOLENCE**

There are often signs serving as a warning that violence in the workplace may occur. Please review the following list of early warning signs that an individual may act out violently, keeping in mind that demonstration of one or many of the actions on the below list does not automatically point to certain violence. However, activities should be noted and the Fire District will assist in detecting and defusing a potential workplace incident.

- Increase in use of alcohol or using drugs.
- History of violent or aggressive behavior or frequent physical fighting off or on duty.
- Displaying a loss of control, (i.e. loss of temper on a frequent basis, frequently for unsubstantiated reasons or over minor issues).
- Either joking or making serious direct or veiled threats.

- Physically, verbally or emotionally intimidating others or instilling fear, for example harassing phone calls, emails and/or stalking.
- Being obsessed with one's job and having no other outside interests.
- Being a loner and/or expressing a strong desire for a personal or romantic relationship with a co-worker. Under these circumstances, the co-worker may feel threatened and report the unwanted attention.
- Obsession with weapons or militia, particularly if this is new behavior for a member.
- Feeling constantly disrespected, demonstrating a "me versus the world" attitude. Experiencing difficulty with authority, for example feeling discriminated against, harassed, or intentionally targeted. Does not accept criticism well and commonly harbors resentment.
- Expressing desperation, significant frustration or depression over recent professional, personal, or financial problems.
- Fascination with other recent incidents of violence and approval of the use of violence.
- Disregard for safety, thus presenting a risk to self or others.
- Demonstrates a lack of conscience and/or abuse towards other persons or animals.
- Vandalism or property damage.
- Failing to acknowledge the feelings or rights of others.
- Having been a victim of violence or bullying.
- Blaming others for one's personal, family, or professional problems.

## **WHAT TO DO**

If you witness a potentially violent situation or are dealing with a threatening or violent person, do not place yourself in danger or try to intercede. You should not attempt to challenge or disarm the individual. If possible, escape the scene and immediately contact local law enforcement authorities. Tips proven to be effective in this type of situation are as follows:

- Try to remain calm;
- Keep a distance of 4-6 feet; if engaged in verbal discussion;
- Do not touch the threatening or violent individual;

- Make constant eye contact, but do not try to “stare down” the threatening or violent person;
- Actively listen and respond to the individual;
- Ask the person making the threats or acting violently for solutions;
- If a supervisor, other appropriate authority, or other personnel can be safely notified of the need for assistance without endangering your safety or that of others, do so. Otherwise, cooperate and follow the instructions given. Please see reporting procedures below.

A reportable incident can be an act or threat from Fire District/Fire Company members, as well as others from the public and includes threats or acts that may be perceived, actually experienced, or witnessed. When reporting an act or threat of violence, you should be as specific and detailed as possible. Members must also report all threats or violent acts they witness or experience while on duty away from the Fire District premises or during any Fire District/Fire Company related activity, or which related to the member or legitimate business interest of the Fire District/Fire Company.

## **REPORTING PROCEDURES**

Members are encouraged to contact the appropriate law enforcement authorities without first informing their immediate supervisor if they reasonably believe that imminent danger to their own safety or that of others exists. All threats of (or actual) violence, both direct and indirect, **MUST BE IMMEDIATELY REPORTED TO A SUPERVISOR**. The term “Supervisor” includes or any Fire District Officer (i.e. Chief Officer, Commissioner, Secretary, Treasurer), Line Officers, or Company Officers. All matters reported to Company, Line, or Chief Officers shall be relayed to a Fire Commissioner as soon as possible in order that the Board may convene and take action if necessary.

The identity of the individual making a report will be protected as much as is practical. If there is a specific privacy concern identified by the reporting party or the Fire District, such reasonable efforts as necessary to address the privacy concern will be taken by the Fire District. In order to maintain workplace safety and the integrity of its investigation, the Fire District may suspend members suspected of violence or threats of violence, either with or without pay, pending investigation.

In no instance will a member be disciplined, retaliated against or discharged for good faith reporting of any reasonably perceived act or threat of violence. Anyone reasonably believed to have engaged in retaliation of any kind will be subject to disciplinary action up to and including termination of employment or membership, and prosecution for any criminal behavior linked to retaliatory activity. False or intentionally misleading reports are unacceptable and will be deemed to be “misconduct” and will be handled through Fire District personnel procedures regarding disciplinary measures up to and including employment termination.

All acts of, or threats of violence will be thoroughly investigated and disciplinary action and/or legal prosecution to the fullest extent possible will be pursued against members, and non-members, for violating this policy.

Any individual who is not satisfied with the Fire District's response to a reported incident may also make a report to the New York State Commissioner of Labor pursuant to 12 NYCRR 800.6 (j)(3).

## **RECORD KEEPING**

A Workplace Violence Incident Report ("Report") in the format attached hereto should be prepared by the reporting individual(s) and submitted to a Chief Officer or to a Commissioner or other the Fire District Officer to document the circumstances of the complained of conduct in conformance with 12 NYCRR 800.6 (i)(3). Notwithstanding any immediate action taken in response to a report, all such reports of perceived or actual violence will be retained by Fire District as part of the Fire District's workplace violence reporting system and such reports will be reviewed annually by the Board of Fire Commissioners. All such reports will be maintained for a minimum of five years or as may otherwise be provided for in the Fire District's document retention schedule.

## **TRAINING**

All members/employees and officers of the Fire District including volunteers are instructed to become familiar with this policy at the time of their initial assignment or appointment and shall review the policy on a yearly basis as part of annual workplace violence training. A copy of this policy is available to all members in the Fire District Policy binder. Individual copies of this policy will be provided upon request. If any employee feels that he or she needs more training with regard to workplace violence prevention than the Fire District is currently providing, such additional training for the individual as may be warranted will be provided by the Fire District. Because there are no Authorized Employee Representatives, all members and employees of the Fire District and Fire Department are encouraged to suggest changes and improvements to the scope and implementation of this policy to the Board of Fire Commissioners.

**TOWN OF CLAYTON FIRE DISTRICT  
WORKPLACE VIOLENCE INCIDENT REPORT  
Pursuant to 12 NYCRR 800.6(i)(3)**

This form is for reporting incidents of workplace violence and for reporting instances where an employee reasonably believes that imminent danger of workplace violence exists. Please complete items 1 through 7 as thoroughly as possible and submit the completed report to a Chief Officer or other Fire District Officer. If you need assistance in preparing this report, please contact a Chief Officer or Commissioner. This form will be filed with and retained by the Fire District Secretary. Use additional pages if necessary and attach to this report.

NAME OF PERSON(S) MAKING REPORT: \_\_\_\_\_

1. Workplace location where incident occurred.

\_\_\_\_\_

2. Time of day/shift when incident occurred.

\_\_\_\_\_

3. Provide a detailed description of incident including events leading up to the incident and how the incident ended. Use additional pages if necessary.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Names and job titles of involved employees.

\_\_\_\_\_

\_\_\_\_\_

5. Name or other identifier of other individual(s) involved.

\_\_\_\_\_

6. Nature and extent of injuries arising from the incident.

\_\_\_\_\_

\_\_\_\_\_

7. Names of witnesses.

\_\_\_\_\_

8. Date this report was prepared: \_\_\_\_\_