

TOWN OF BERKLEY WORKPLACE VIOLENCE POLICY

I. PURPOSE

This Policy establishes the standards, procedures and safeguards that will encourage and foster a work environment that is characterized by respect and healthy conflict resolution; reduce the potential for violence in and around the workplace; mitigate the negative consequences for employees who experience or encounter violence in their work lives; and ensure that appropriate resources are available to employees who may be victim of workplace violence.

II. APPLICATION

This Policy shall apply to all employees of the Town of Berkley, excluding those employees under the supervision and control of the School Committee. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

III. POLICY

It is the Policy of the Town to promote a safe environment for its employees. The Town is committed to working with all employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously, and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to criminal prosecution. Such employees may also be subject to disciplinary action, up to and including termination from employment.

IV. DEFINITIONS

Workplace Violence includes, but is not limited to, intimidation, threats, physical attack, or property damage and includes acts of violence committed by Town employees, or clients, customers, tenants, relatives, acquaintances or strangers against Town employees in the workplace. Violent behavior can include actions or communications in person, by letter or note, telephone, fax or electronic mail. Incidents of workplace violence may be acted out individually or take place between employees and other employees, clients/residents, acquaintances/ partners or the general public.

Intimidation is engaging in actions that include, but are not limited to, stalking or behavior intended to frighten, coerce, or induce duress.

Threat is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future. Threats need not be made in person, but can be made through any means, including but not limited to via telephone or electronically (e.g., via the Internet, email, social media sites or blogs, etc.).

Physical Attack is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.

Property Damage is intentional damage to property and includes property owned by the Town, employees, visitors or vendors.

V. PROHIBITED BEHAVIORS

It is a violation of this Policy to:

- Engage in workplace violence as defined herein;
- Use, possess or threaten to use a weapon during a time covered by this Policy, even if the employee has a License to Carry a Firearm;
- Use of vulgar or profane language towards others; or making of disparaging or derogatory comments or slurs, or name calling;
- Misuse authority vested to any employee of the Town in such a way that it violates this Policy;
- Violate any other Town Policy in a manner that also violates this Policy.

VI. PROCEDURES

Employees who observe or who are the victim of violent behavior by anyone on Town property should report the incident immediately to a supervisor, department head, or the Town Administrator, as appropriate, whether or not the alleged offender is a Town employee. Threats or assaults that are of an emergency nature and require immediate attention should first be reported to the Police Department.

All reports of violence shall be evaluated immediately, and appropriate action shall be taken, where possible, in order to help protect the employee(s) from further violence. Appropriate disciplinary action shall be taken when it is determined that an employee has committed threats or acts of violence, in violation of this Policy.

The Town Administrator or his or her designee shall be responsible for responding promptly and appropriately to any report of violence in the workplace and conducting an investigation into the alleged incident, when necessary.

Workplace incidents involving emergency and/or criminal activity shall be referred to the Police Department for investigation in appropriate circumstances. An administrative

investigation may be conducted by the Town Administrator or his designee, concurrent with any criminal investigation, in cooperation with the Police Department. The Town Administrator or his or her designee shall conduct administrative investigations in a confidential manner, to the extent possible.

VII. SANCTIONS

Any employee who is found to be in violation of this Policy may be subject to disciplinary action, up to and including termination from employment.

VIII. EMPLOYEE ASSISTANCE PROGRAM

Employees who are victims of or witnesses to workplace violence may contact the Town's Employee Assistance Program (EAP) for counseling, emotional support, and assistance in developing a personal safety plan in the event of workplace violence.