

ELWOOD PUBLIC LIBRARY

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ELWOOD WORKPLACE VIOLENCE POLICY

WHEREAS, Article 2 of the New York State Labor Law states that is the duty of public employers to develop and implement programs to prevent workplace violence, and

WHEREAS, Section 27-b of Article 2 of the New York State Labor Law requires public employers to ensure that the risk of workplace assaults and homicides is evaluated by affected public employers and their employees and that such employers design and implement workplace violence protection programs to prevent and minimize the hazard of workplace violence to public employees, and

WHEREAS, a workplace violence policy adopted by the board of trustees of a public library must set forth standards of conduct for the guidance of the trustees, directors, officers, employees and volunteers of the public library with respect to the prevention of workplace violence.

NOW, THEREFORE, be it resolved that the Board of Trustees of the Elwood Public Library hereby adopts a workplace violence policy to read as follows:

Workplace Violence Policy of the Elwood Public Library

Section 1. Purpose.

The Board of Trustees of the Elwood Public Library is committed to the safety and security of all employees. Workplace violence presents a serious occupational safety hazard to our trustees, directors, officers, employees and volunteers.

This Workplace Violence Policy is designed to meet the requirements of New York State Labor Law Article 2 Section 27-b. The purpose of the policy is to ensure that the risk of workplace assaults and homicides is evaluated by the Elwood Public Library and that the Elwood Public Library design and implement a workplace violence protection program to prevent and minimize the hazard of workplace violence to employees.

Section 2. Definitions.

- (a) "Employer" means the Board of Trustees of the Elwood Public Library.
- (b) "Employee" means a paid or unpaid trustee, director, officer, employee or volunteer of the Elwood Public Library.
- (c) "Library" means the Elwood Public Library.
- (d) "Policy" means the Workplace Violence Policy of the Elwood Public Library.
- (e) "Retaliatory action" means the discharge, suspension, demotion, penalization,

or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

(f) "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course

of his or her employment by the Elwood Public Library.

(g) "Workplace violence" is defined as any physical assault or act of aggressive behavior occurring where an employee performs any work-related duty in the course of his or her employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear or material harm to the physical safety and health of such person when such stalking has arisen through and in the course of employment.

Section 3. Investigation.

Acts of violence against any employee of the Elwood Public Library where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as visitors and patrons, following all policies, procedures and practices, and for assisting and maintaining a safe and secure work environment.

Section 4. Risk Evaluation and Determination.

The Elwood Public Library shall evaluate the workplace or workplaces to determine the presence of factors or situations in such workplace or workplaces that might place employees at risk of occupational assaults and homicides. Examples of such factors shall include, but are not limited to:

- (a) Working in public settings;
- (b) Working late night or early morning hours;
- (c) Exchanging money with the public;
- (d) Working alone or in small numbers;
- (e) Uncontrolled access to the workplace; and
- (f) Areas of previous security problems.

Section 5. Written Workplace Violence Protection Program.

The goal of this policy is to promote the safety and well-being of all people in the workplace of the Elwood Public Library. The Elwood Public Library shall develop and implement a written workplace violence prevention program for its workplace or workplaces that includes the following:

- (a) A list of the risk factors present as referenced in Section 4 above;
- (b) The methods the Elwood Public Library will use to prevent incidents of occupational assaults and homicides at such workplace or workplaces, including but not limited to the following:
 - (i) making high-risk areas more visible to more people;

- (ii) installing good external lighting;
 - (iii) using drop safes or other methods to minimize cash on hand;
 - (iv) posting signs stating that limited cash is on hand;
 - (v) providing training in conflict resolution and nonviolent self-defense responses; and
 - (vi) establishing and implementing reporting systems for incidents of aggressive behavior; and
- (c) Annual or more frequent review of workplace violence incident reports to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

Section 6. Employee Information and Training.

All employees of the Elwood Public Library will participate in an annual Workplace Violence Prevention Training Program.

- (a) The Elwood Public Library shall make the written Workplace Violence Prevention Program available, upon request, to its employees, their designated representatives and the Department of Labor.
- (b) The Elwood Public Library shall provide its employees with the following information and training on the risks of occupational assaults and homicides in their workplace or workplaces at the time of their initial assignment and annually thereafter:
 - (i) employees shall be provided with a copy of this Workplace Violence Policy, informed of the risk factors in their workplace or workplaces, and the location and availability of the written workplace violence prevention program required by Section 27-b of Article 2 of the New York State Labor Law; and
 - (ii) employee training shall include at least:
 - the measures employees can take to protect themselves from such risks, including specific procedures the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, use of security alarms and other devices; and
 - the details of the written workplace violence prevention program developed by the Elwood Public Library.

Section 7. Application.

Any employee or representative of employees who believes that a serious violation of a workplace violence protection program exists or that an imminent danger exists shall bring such matter to the attention of the Director of the Elwood Public Library in the form of a written notice and shall afford the employer a reasonable opportunity to correct such activity, policy or practice. This referral shall not apply where imminent danger or threat exists to the safety of a specific employee or to the general health of a specific employee and the employee reasonably believes in good faith that reporting to the Director would not result in corrective action.

All incidents of violence or threatening behavior will be responded to immediately upon notification. All personnel are responsible for notifying the Director of the Elwood Public Library of any violent incidents, threatening behavior, including threats they have

witnessed, received or have been told that another person has witnessed or received.

Section 8. Referral to Department of Labor.

(a) If following a referral of a matter under this workplace violence policy to the Director's attention and after a reasonable opportunity to correct such activity, policy or practice the matter has not been resolved and the employee or representative of employees

still believes that a violation of a workplace violence prevention program remains, or that an imminent danger exists, such employee or representative of employees may request an inspection by giving notice to the Commissioner of the Department of Labor of such violation or danger. Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or representative of employees, and a copy shall be provided by the Commissioner to the Director of the Elwood Public Library no later than the time of inspection, except that on the request of the person giving such notice, such person's name and the names of individual employees shall be withheld.

(b) A representative of the Elwood Public Library and an authorized employee representative shall be given the opportunity to accompany the Commissioner during an inspection for the purpose of aiding such inspection.

Section 9. No Retaliation.

No retaliatory action may be taken against any employee for bringing what he or she believes to be a serious violation of a workplace violation protection program to the attention of the Director of the Elwood Public Library or requests an inspection by the Commissioner of the Department of Labor or accompanies the Commissioner during an inspection.

Section 10. Enforcement.

Any library trustee, director, officer, employee or volunteer who violates this workplace violence policy may be censured, fined, suspended or removed from office or employment in the manner provided by law.

Section 11. Effective date.

This code takes effect on June 18, 2015

Adopted June 18, 2015