

OFFICE OF  
**BOARD OF TRUSTEES**  
**VILLAGE OF MILLBROOK**  
MILLBROOK, DUTCHESS COUNTY, N. Y.



**VILLAGE OF MILLBROOK**  
**WORKPLACE VIOLENCE POLICY**

## POLICY STATEMENT

The Village of Millbrook considers the safety and security of its employees, and those residents, vendors, contractors, and the general public (“visitors”) who visit Village property, to be of paramount importance and strives to provide them certain protections while on Village property. The goal of this policy is to promote the safety and well-being of all people in our workplace. The Village of Millbrook is strongly committed to providing its employees a work environment that is safe, secure, and free of harassment, threats, intimidation and violence. The Village will not tolerate workplace violence of any type, from any source, against its employees, visitors, facility users, or other individuals, nor against Village buildings, equipment, or property. Such “violence” shall include, but is not limited to, threats, abusive behavior, physically harming another or causing damage to a building or equipment, fighting, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or engaging in those activities.

The Village of Millbrook will not tolerate **any** such acts of violence and will take all reasonable and practical measures to prevent such violence and protect employees and visitors from acts of violence. This includes, but is not limited to, threats, threatening and abusive behavior, or acts of violence against (a) employees, visitors, users of Village facilities or other individuals, or (b) Village buildings, equipment, or property. In addition, weapons of any kind are prohibited in the workplace, unless specifically authorized herein.

The Village of Millbrook further prohibits weapons of any kind in the workplace. Employees are prohibited from possessing firearms or weapons of any kind while on Village premises; in Village vehicles while conducting business for the Village; or at work sites, or any other location during working hours or while representing the Village, regardless of whether the person is licensed to carry the weapon. Weapons include, but are not limited to, guns, knives, explosives, and other items used, among other things, to inflict harm. The only exceptions are law enforcement personnel, security personnel, and those exceptions as specifically set forth in this Policy. All employees that have knowledge of another employee’s wrongful possession of a weapon must report such to a supervisor, Department Head, or Village Mayor, as soon as possible.

**Any and all** incidents of workplace violence must also be promptly reported to the employees Department Head, supervisor, or Village Mayor, and should be reported by filing a Workplace Violence Incident Report Form, available to all employees. All incidents of violence or threatening behavior will be responded to immediately upon notification.

**Violations of this policy** will result in appropriate remedial, disciplinary, and/or legal action by the Village Board of Trustees, in accordance with what the circumstances warrant. This policy is designed to meet the requirements of the New York State Labor Law.

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## VILLAGE OF MILLBROOK WORKPLACE VIOLENCE POLICY

### 1. Purpose

To define the policy of the Village of Millbrook that all employees have the right to work in an environment free from physical violence, threats and intimidation, and to promote the safety and well-being of all people in our workplace.

### 2. Policy

The safety and security of all our employees is of paramount importance to the Village of Millbrook (“the Village”). The Village will not tolerate workplace violence of any type, from any source. This includes, but is not limited to, threats, threatening and abusive behavior, or acts of violence against (a) employees, visitors, users of Village facilities or other individuals, or (b) Village buildings, equipment, or property. In addition, weapons of any kind are prohibited in the workplace, unless specifically authorized herein.

### 3. Definitions

**3.1 Violence or threats:** Prohibited acts of workplace violence include, but are not limited to, threats, intimidation, physical attack or property damage.

**Threat:** The expression of intent to cause physical or mental harm or damage. Such an expression constitutes a threat without regard to whether the person communicating the threat has the ability to carry it out, and without regard to whether the threat is made on a present, conditional, or future basis. In determining whether the conduct constitutes a threat, including whether the action causes a reasonable apprehension of harm, the Village Board of Trustees will consider the totality of the circumstances.

**Physical attack:** Without limitation, unwanted or hostile physical contact such as hitting, pushing, kicking, shoving, throwing of objects or fighting.

**Intimidation:** Includes but is not limited to acts of aggression, stalking or engaging in actions, whether verbal or physical, which frighten or coerce.

**Property damage:** Intentional or reckless damage to, or destruction of, property owned by the Village, Village personnel, contract and temporary employees, volunteers, customers and anyone else on Village property.

Other examples of violence include, but are not limited to:

Stalking another employee, with the intent or result of causing fear or material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Distributing “hate” literature or engaging in other communications that advocate violence.

Any behavior that would qualify under the Village’s Sexual Harassment Policy located in the Employee Handbook including but not limited to threatening phone calls, e-mails, letters, stalking, and/or suggestions or intimation of violence.

Being in possession of weapons on Village property, including weapons in private vehicles in Village parking lots, or in Village vehicles, unless specifically authorized.

- 3.2 Weapons:** Includes a device, instrument, material or substance which is used for, or can cause, death or bodily injury, or damage to property. Weapons include, but are not limited to: explosives or an explosive weapon, a device principally designed, made or adapted for delivering or shooting an explosive weapon, a machine gun, a rifle or shotgun, a handgun or pistol, a firearm silencer, a switchblade knife or any other type of knife, or brass knuckles, or any other implement for infliction of bodily injury, damage to property, or death, which has no common lawful purpose for the person possessing it. Pocket knives or knives used solely for eating, food preparation or distribution, are not considered “weapons” for purposes of this policy unless used to inflict bodily injury or property damage, threaten or intimidate, or are possessed for illegal purposes or intentions.
- 3.3 Worksite/Workplace:** Any location away from the employee’s domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment by an employer, and includes all real property owned or occupied by the Village, Village vehicles and personal vehicles when performing Village business off Village property.
- 3.4 Reasonable suspicion:** The degree of knowledge sufficient to induce an ordinarily prudent and cautious person to believe that the circumstances being presented are more likely to be true than not. Reasonable suspicion must be based on an articulatory, specific and objective basis and may include direct observation, or information received from a source believed to be reliable.
- 3.5 Employee:** For purposes of this policy, persons receiving a payroll check, contractors and volunteers.

- 3.6 Possession:** Includes but is not limited to, the presence of a weapon on the employee's person, in his/her motor vehicle while working or performing Village business, in his/her desk, lunch box, toolkit, bag, purse, cabinets, office, etc.

#### **4. Weapons**

Despite laws which provide for permits allowing individuals to carry concealed handguns (New York State Penal Law Article 400), it is the Village's policy to prohibit the possession of all weapons, including handguns, on property owned, operated or under the control of the Village. Weapons of any kind are prohibited in the workplace. The only exceptions to this prohibition are as follows:

Firearms used for instructional or Village-sanctioned ceremonial purposes.

Persons employed in the Army, Air Force, Navy, Coast Guard, or Marine Service of the United States or any member of the New York National Guard when in the discharge of their official duties and acting under orders requiring them to carry arms or weapons.

Civil officers of the United State in the discharge of their official duties.

Officers and soldiers of the militia and the National Guard when called into actual service.

Officers of the State, or any county, City or Town, charged with the enforcement of the laws of the State, when in the discharge of their official duties.

Any registered security officer/guard who meets licensing requirements, who is discharging such officer's duties.

Any law enforcement officer, police officer, corrections officer or bonded and sworn deputy sheriff may carry handguns always pursuant to a written directive by the executive supervisor of the organization to which the person is attached or employed, despite the person's regular duty hours or assignments.

#### **5. Prohibited Activities**

The Village specifically prohibits the following and the Village Board of Trustees may discipline an employee up to and including dismissal for any of the following:

- 5.1** Use, possession, or sale of any weapon on the work site.
- 5.2** Storing any weapon in a motor vehicle, desk, lunch box, locker, toolkit, bag, purse, cabinets, office or other repository on the work site.

- 5.3 Refusing to submit to an inspection for the presence of a weapon based on reasonable suspicion.
- 5.4 Refusing to allow inspection of storage areas specified in 5.2 above based on a reasonable suspicion that a weapon or weapons will be found in such an area.
- 5.5 Conviction under any criminal statute for the illegal use or possession of a weapon or upon conviction of committing a violent act against the person or property of another while employed by the Village of Millbrook.
- 5.6 Engaging in violence or threats of violence, or causing damage.

## **6. Notification and Reporting**

All Village personnel are responsible for notifying the contact person designated below of any threats or violence that they witness or receive or that they are told another person witnessed or received. Even without a specific threat, all employees should report any behavior they have witnessed that they regard potentially threatening or violent or which could endanger the health or safety of an employee when the behavior might be or has been carried out on a Village-controlled site or is connected to Village employment or Village business.

Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened. All incidents should be reported on the Village's Workplace Violence Report Form, a sample of which is attached hereto.

## **7. Restraining and Protective Orders**

An employee who applies for or obtains a protective or restraining order that lists Village properties as protected areas must provide to the designated contact person below a copy of the petition and declarations used to seek the order and a copy of any temporary or permanent protective or restraining order that was granted.

## **8. Confidentiality**

The Village understands the sensitivity of the information requested and has developed confidentiality procedures that recognize and respect the privacy of the reporting employee. Note that the Village cannot promise absolute confidentiality because it may be bound to report the incident or situation to a law enforcement agency, other governmental agency, etc. However, the Village will maintain the anonymity of the reporting employee when at all possible.

## **9. Village Response to Threats and Violence**

In the event a complaint or concern arises with regard to compliance with this policy, the Village Board of Trustees, or any such officer or employee the Board may designate, will promptly conduct an investigation to determine the validity of the complaint and what, if any,

corrective action should be taken to resolve the matter and promote a violence-free workplace.

Depending on the seriousness of the allegation(s) and other factors that the Village Board of Trustees deems relevant, such as security concerns, potential disruptions, etc., any person who makes threats, exhibits threatening behavior, or engages in violent acts on Village property shall be removed from the premises as quickly as safety permits and shall remain off Village premises pending the outcome of an investigation.

Following an investigation which indicates this policy was violated, the Village Board of Trustees will initiate an immediate and appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension with or without pay, or termination of employment, and/or criminal prosecution of the person or persons involved. Other corrective action might include: coaching, mediation, other disciplinary action, transfer or demotion, reaffirmation of the policy, individualized or group training, counseling, etc.

#### **10. Retaliation**

The Village of Millbrook respects the right of employees to raise concerns regarding violent activities and cooperate with necessary investigations. Retaliation against employees who report violence or participate in investigations is strictly prohibited. "Retaliation" is broadly construed. It includes not only overt retribution, but also acts such as refusal to communicate or cooperate regarding work related matters, withholding information or assistance needed to perform one's job, more closely scrutinizing any employee's work performance, etc.

An employee who feels (s)he has been retaliated against for reporting violence or participating in an investigation should promptly report the retaliation to his/her immediate supervisor. If the employee, for any reason, feels uncomfortable reporting the alleged retaliation to his/her immediate supervisor, the employee may report to the Department Head, the Village Clerk, the Village Mayor or other appropriate official.

#### **11. Coverage**

The Village Board of Trustees at its discretion may from time to time modify this policy. In the event the policy is revised, a copy of the revised policy will be provided to each employee.