Section 5C: Workplace Health & Environmental Practices

Policy #1: **Violence in the Workplace**

Effective Date: **July 1, 2011**

Last Revision Date: **July 1, 2016**

I. **Purpose**

The Town of Mooresville is committed to maintaining a safe, healthful, and efficient working environment where employees and citizens are free from the threat of violence. The Town prohibits employees from engaging in any form of physical violence or threatening behavior. Likewise, all Town employees also have the right to be free from exposure to all forms of physical violence or threatening behavior, regardless of the source. This policy also serves as a means of restricting the unlawful or unauthorized possession of firearms and other deadly weapons by employees.

II. **Scope**

This policy shall apply to all persons holding a paid position as an employee of the Town, as well as temporary employees routinely supervised by the Town. Exceptions to this policy may include members of any volunteer board or committee, or any others that may be hired or appointed by the Town Board. For this purpose, and subject to the exceptions set out herein, Town employees shall be defined as those employees in departments and offices for which the Town Board serves as the final budget authority.

III. **Background**

Millions of workers experience violence or the threat of violence in their workplaces every year. These crimes range from physical assault to robbery, and even homicide. Although the number of such crimes has generally declined in recent years, workplace homicide remains the fourth-leading cause of fatal occupational injury, and the number of workplace homicides of government employees is actually increasing. (Rugala, 2015)

According to a recent national study by the Bureau of Justice Statistics, between 2003 and 2010, the number of homicides experienced by government employees increased 29 percent (from 71 to 86) while homicides for private-sector employees declined 28 percent (from 560 to 432). These trends continued into 2011 with 90 government employee workplace homicides and 367 private-sector employee homicides. (Harrell, 2013)

IV. **Definitions**

Aggressive Intruder: Someone who is ready or likely to attack or confront another as characterized by or resulting from hostile, aggressive, or criminal intentions.

Active Shooter: An individual actively engaged in killing or attempting to kill people in a populated area or building with a firearm or other deadly weapon.

Deadly Weapon: Any instrument that under the circumstances of its use is likely to cause death or serious bodily injury.

Emergency Lockdown: A protocol followed in an emergency that involves confining people in a secure place, such as the locking of children and recreation staff in classrooms or gymnasiums during a violent attack until emergency responders arrive.

Emergency Responders: Individuals specifically trained for emergency response, including law enforcement officers, fire/rescue personnel, public health officials, and public works employees.

Evacuation: Emergency response taken to leave the work area for personal safety.

Shelter-in-Place: An action taken to seek immediate shelter indoors when emergency conditions do not warrant or allow for evacuation.

Threat: Any verbal or physical conduct that threatens property or personal safety or that reasonably could be interpreted as intent to cause harm.

Trespass Authority: The authority of directors, managers, or supervisors placed in charge of Town facilities to remove a person or persons from Town property with reasonable cause and justification by means of proper notification to law enforcement.

Workplace Violence: Workplace violence is any physical assault, threatening behavior, or verbal abuse occurring in the work setting. Workplace violence can stem from a variety of sources including strangers, coworkers, customers, vendors, personal relationships, or citizens.

V. Legislation & References

A. 29 U.S. Code § 654, Section 5(a)1
B. Workplace Violence Prevention Act, Chapter 95, Article 23 of the North Carolina General Statutes
C. North Carolina General Statute § 14-277.3A
D. North Carolina General Statute § 14-409.40
E. Rugala, Eugene A. (2015). *Workplace Violence: Issues in Response*. Federal Bureau of Investigation, U.S. Department of Justice. Quantico, VA: Critical Incident Response Group, National Center for Analysts of Violent Crime.
F. Active Shooter Educational Sheet. (n.d.). Retrieved Feb 9, 2016, from U.S. Department of Homeland Security: http://www.dhs.gov/sites/default/files/publications/DHS-Active%20Shooter%20Educational%20Sheet_0.pdf
G. Harrell, Erika. (2013). *Workplace Violence Against Government Employees, 1994–2011*, (Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice, 2013), 5, accessed October 3, 2014, http://www.bjs.gov/content/pub/pdf/wvage9411.pdf

VI. Provisions

A. Prohibited Conduct

The Town of Mooresville strictly adheres to a "Zero Tolerance" approach towards any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. This following list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

1. Causing physical injury to another person
2. Making threatening comments

3. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress
4. Intentionally damaging property
5. Possession of an unlawful or unauthorized weapon or other dangerous device while on Town property or while on Town business

B. Reporting Procedures

Prompt and detailed reporting of threatening behavior, suspicious activities, and aggressive persons can play a critical role in the prevention and de-escalation of violence. All Town employees must be familiar with proper workplace violence reporting procedures associated with co-workers, citizens, or other external sources. Employees reporting includes:

1. Any situation that is dangerous or likely to cause physical harm to any employee or citizen should be immediately reported to 9-1-1
2. Potentially dangerous situations from internal sources must be reported immediately to a supervisor, manager, the Risk & Safety Manager, or the Human Resources Director
3. Reports can be made anonymously and all reported incidents will be investigated
4. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis or as required under state or federal law
5. All parties involved will be counseled and the results of the investigation will be discussed with them, unless restricted by law
6. The Town will actively intervene at any indication of a reported hostile or violent situation

C. Risk Reduction Methods

The Town will make reasonable efforts to reduce the risk of workplace violence for its employees. This can only be accomplished through a collaboration of efforts and pooling of Town resources. Responsibilities for risk reduction methods include:

1. Human Resources Department

   Human Resources plays a critical role in the prevention and mitigation of violence in the workplace and is responsible for:

   a. Conducting background investigations during the hiring and promotion processes in order to reduce the risk of hiring individuals with a history of violent behavior
   b. Leading the assessment and investigation of allegations regarding workplace violence raised by employees, supervisors, or managers
   c. Providing technical expertise and consultation to help supervisors and managers determine what course of action is most appropriate in specific situations
   d. Providing advice and counsel regarding personnel rules and regulations
   e. Offering training courses to assist employees to deal with situations which may lead to potential violence, e.g., conflict resolution, stress management, etc.

2. Risk Management Department

   Risk Management also provides important services in the prevention of violence in the workplace through program development and implementation, as well as safety and security monitoring. The Risk Management Department will:

a. Evaluate all Town facilities on an annual basis, by either a random site safety inspection or scheduled internal audit, to determine if any vulnerabilities or specific hazards in regards to workplace violence exist
b. Ensure hazards identified during inspections or audits are adequately addressed in a timely manner through corrective actions to reduce risk and exposure
c. Confirm that site specific Safe Operating Procedures (SOP) for *Workplace Violence Prevention* are in place at each Town department and facility
d. Assist departments with site safety and security assessments as needed
e. Interview employees to ensure the Town policies and department procedures are clearly understood and employees know how to reference them
f. Ensure all departments adequately provide training and documentation for both the Town policy for *Violence in the Workplace* and the departmental SOP for *Workplace Violence Prevention* as outlined in the training section of this policy
g. Assist in the assessment and investigation of allegations regarding workplace violence raised by employees, supervisors, or managers
h. Evaluate this policy on regular basis to ensure updates and revisions are added as needed and properly disseminated to managers and employees

3. Security Practices, Security Equipment/Maintenance, and Signage
To help ensure the optimal safety and security of employees, common best practices for building security, equipment, maintenance, and sign placement must be taken into consideration by every Town department and facility. Based on security assessments of Town facilities by Risk Management and the Mooresville Police Department, the following general practices are required:
    a. Work in collaboration with the Information Technology (IT) Department and Building & Grounds to install badge access panels, security cameras, phone Broadcast Systems, automatic door closers, and panic alarms when necessary based on risk assessments
    b. Properly maintain and periodically test badge access panels, security cameras, phone Broadcast Systems, automatic door closers, and panic alarms when necessary based on risk assessments
    c. All security systems must be checked and/or tested on an annual basis. Check all badge access panels for damage, proper operation, and appropriate access for employees (only current employees with need to access specific areas). Confirm with IT that all security cameras are working properly and not in need of service or cleaning. Phone Broadcast Systems should be tested by making an announcement and ensuring all employees received the announcement. Exterior doors (manual or automatic) should be checked for proper closure and serviced by Building and Grounds as needed. Panic alarm systems should be placed into "test" mode with the security monitoring provider and all affected employees should be notified prior to activation. Confirm that emergency dispatch is receiving the alarm properly for all stations, then restore all systems to full operation as soon as possible
    d. File and retain maintenance records and periodic test information for review by Risk Management during random inspections or annual internal audits. Individual departments may choose documentation preferences for these items, but are required to document the date, time, system name/type, name of individual testing system, test outcomes, and any corrective actions for each test. Documents must be readily available at the request of Risk Management or government regulatory inspector

e. Post and maintain red NOTICE signs at all main public entrances that display an easily recognizable picture of a pistol surrounded by a circle/slash which clearly indicates that firearms are prohibited. Underneath this display the following wording must also be printed:

"Unless authorized by law no person shall knowingly possess, have under the person's control, convey, or attempt to convey any firearm, concealed firearm, deadly weapon, or dangerous ordnance onto these premises."

Note: This sign must be printed in both English and Spanish and placed in a conspicuous location at all main public entrances at all Town facilities

f. Post and maintain additional safety and/or security signs as identified for their specific location. When applicable, these signs must be printed in both English and in Spanish and placed in a conspicuous location at all main public entrances at all Town facilities

g. All parking areas and paths to parking areas for Town buildings are well lit and reasonably secure

h. When warranted, a "buddy system" or other similar system is in place and enforced for employees returning to their vehicles at night to ensure personal safety

i. "Piggy Backing" or allowing unknown individuals to access employee only areas with the use of employee badge access is not allowed

j. Propping external building doors open for reasons other than construction, maintenance, or similar reasons is not allowed

4. Safe Operating Procedure (SOP) Requirement

All Town departments are required to ensure site specific Safe Operating Procedures (SOPs) titled *Workplace Violence Prevention* are in place to address all potential workplace violence hazards specific to their facility. If the department is responsible for multiple facilities, they must further ensure that an adequate site safety assessment has been conducted at each facility and that employee and citizen safety concerns have been adequately addressed. Aside from being site specific, this SOP should focus on preventative measures, engineering solutions, and administrative controls. Except for Fire/Rescue, who have pre-established procedural formats, the Town SOP format should be used and procedures must include:

i. Required signage within the department location/facility
ii. Required security cameras within the department location/facility
iii. Identification of positions/tasks considered "at risk" and the measures in place to reduce that risk
iv. Site specific lock-down procedures
v. Site specific evacuation procedures

NOTE: The Police Department is exempt from developing an SOP for sworn officers and staff, but is required to have an SOP in place to address non-sworn support staff and dispatchers using either Town SOP format or pre-established procedural formats.

5. Supervisor/Manager Responsibilities

It will be the responsibility of Department Directors, Managers, and Supervisors to:

a. Ensure that all employees are trained and familiar with all aspects of the Town policy for *Violence in the Workplace*, as well as their department SOP for *Workplace Violence Prevention*
b. Evaluate their departmental SOP for *Workplace Violence Prevention* on an annual basis. Properly document reviews and suggest changes in the Revision section. When revision is necessary, ensure employees are well informed of those revisions
c. Ensure all security equipment at their location(s) is properly installed, maintained, and documented as outlined by this policy
d. Fully cooperate with Risk Management during random inspections and audits of their facilities and work to ensure all corrective actions identified are completed within the timelines given
e. Immediately inform the Human Resources Director or Risk & Safety Manager of an external situation that could place their employee(s) at a higher risk of harassment, violence, or threats from a non-employee.

6. Employee Responsibilities

While the Town does not expect employees to be highly skilled at identifying potentially dangerous persons or situations, they are expected to:

a. Exercise good judgment and inform their supervisor, director, the Human Resources Director, or the Risk & Safety Manager if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes, but is not limited to:
    i. Discussing weapons or bringing them to the workplace *(other than legally storing firearms in their personal vehicle)*
    ii. Displaying overt signs of extreme stress, resentment, hostility, or anger
    iii. Making threatening statements
    iv. Sudden or significant deterioration of performance
    v. Displaying irrational or inappropriate behavior
b. Inform their supervisor, director, the Human Resources Director, or the Risk & Safety Manager of an external situation that could place them at a higher risk of harassment, violence, or threats from a non-employee

7. Employees at Risk

Town employees can potentially experience increased risk and exposure to violence in the workplace due to the nature of their positions, requirements of their job tasks, from co-workers, or from other external life factors. Regardless of the source, the Town will make reasonable efforts to reduce or eliminate those hazards for its employees by implementing:

a. Written SOPs which must be completed for employees who have been determined to be at risk for becoming victims of violence because of the nature of their job or because they are reasonably subject to harassment, violence, or threats from a non-employees (as outlined in section 4a above)
b. A written Safety Plan for any employee who has been reported to Human Resources or Risk Management to be specifically "at risk" due to external factors. The Safety Plan will be a collaborative effort from Risk Management, Human Resources, and the Mooresville Police department to adequately reduce the exposure and prepare for possible emergency situations

c. Actions for an employer-filed Civil no-contact order as provided by the *North Carolina Workplace Violence Prevention Act*, N.C.G.S. § 95-261. The decision to file such an order will rest with the Town Manager and the Town Attorney and be carried out in the manner they determine

d. Referrals to the Town's Employee Assistance Program (EAP) to provide assessments for employees experiencing personal problems on and off the job, address short-term counseling needs, and arrange for long-term counseling when necessary

D. Carrying Firearms

North Carolina General Statute § 14-409.40 states that "A county or municipality may regulate the transport, carrying, or possession of firearms by employees of the local unit of government in the course of their employment with that local unit of government." It further authorizes municipalities to prohibit "...the possession of firearms in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks or recreation areas, except nothing in this subsection shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is on these grounds or areas."

With the exception of sworn police officers, the Town does not authorize its employees to carry firearms or other deadly weapons, concealed or otherwise, during the course of their employment. However, in accordance with North Carolina General Statutes employees may bring firearms onto Town property, provided it is left properly secured in their personal vehicle at all times.

E. Aggressive Person(s) & De-Escalation Techniques

Proper recognition and response to an aggressive and potentially violent person is another way to reduce the danger of actual violence. Employees who are trained to react calmly and cooperatively have a better chance of surviving a threatening situation. During any potentially violent confrontation, **every effort should be made to notify police by calling 9-1-1 emergency services as soon as it is feasible and safe to do so.** When this is not an option, or until police can respond, employees should rely on de-escalation techniques that generally include:

1. *Remaining calm*. Try to make frequent eye contact and speak in mild, but confident tone to the individual.
2. *Active Listening*. Always place your personal safety above property or resources; those can be replaced. Follow reasonable instructions and continue to look for ways to calm the aggressor.
3. *Establishing a Rapport*. Be polite, avoid being defensive. Try and relate to the person and acknowledge the concerns or issues they are expressing to you.
4. *Displaying empathy*. Unlike sympathy, empathy implies objectivity and understanding, which often serves as an effective de-escalation technique.
5. *Projecting confidence*. Do your best to project confidence rather than fear during interactions, including the words you choose, your tone of voice, and through your body language.
6. *Gaining Distance*. Try to gradually build distance between you and the aggressor. This can help prevent physical aggression and assist in police responses.
7. *Setting reasonable limits*. For example: "I cannot help you if you don't calm down."
8. *Notifying others*. When confronted with a dangerous situation, always try to contact 9-1-1 for an emergency police response first. When safe to do so, a supervisor should also be notified.

F. Trespassing Procedures

The Town empowers its managers and supervisors with trespass authority for individuals or patrons who present valid safety concerns, display threatening or aggressive behavior, or convey threats to other citizens or employees. Once the manager or supervisor in control of the Town facility at the time has made a reasonable and articulate decision to trespass an individual from that location, they must also:

1. Notify law enforcement via 9-1-1 or non-emergency 704-664-3311, depending on the situation
2. Request Police to issue formal trespass notice based on the manager/supervisor's authority. Trespass notice from law enforcement will be final and cannot be overturned except by the authority of the Town Manager
3. Report the incident as soon as possible to both the Department Director and Risk Management
4. Complete a detailed incident report using Intelex Software that will be forwarded to Risk Management for review

G. Active Shooter(s)

In an effort to better address the national increase in active shooter situations, the Town of Mooresville has adopted the "Run, Hide, Fight" response plan outlined by both the U.S. Department of Homeland Security and the U.S. Department of Justice to help guide its employees. Active shooter events are unpredictable and rapidly evolving. Every situation will be unique and only you will be able to determine the safest, most effective plan of action based on the set of circumstances. Normally, victims are selected at random and law enforcement is required to end an active shooter situation. Despite these variables, every active shooter situation will consistently offer the following decisions to make:

1. **Run:** This decision is made to immediately evacuate the area for personal safety. If this option is chosen, remember to quickly plan your escape route. Leave your personal belongings behind. Also, keep your hands visible to assist law enforcement that may be arriving at the scene.
2. **Hide:** When time allows, the decision to shelter-in-place can be made. Quickly secure any doors or windows and try blocking the doors with heavy items. Hide in an area out of the shooter's view. Silence your cell phones or other electronic devices. Do not come out until uniformed police officers instruct you to do so.
3. **Fight:** As a last resort and only when your life is in imminent danger you may decide to fight. Formulate a quick plan, gather your confidence, and attempt to incapacitate the shooter by any means available to you at the time. Act with physical aggression and determination in order to stop your threat.

Arrival of Law Enforcement: When law enforcement arrives you will need to remain as calm as possible. Wait for their instructions and follow them carefully. Be sure to empty your hands of all items including bags, jackets, phones, or other items. Then, raise your hands, keeping them visible and clear at all times. Avoid quick movements or gestures towards officers, such as grabbing onto them for safety. Don't stop to talk with or question officers at this time; simply follow instructions and evacuate to the determined area.

H. Program Training Requirements

Training and education are critical aspects of a viable *Violence in the Workplace* program. It is the responsibility of each individual department to ensure that their employees have been adequately trained in this Town policy and in the site specific SOP for *Workplace Violence Prevention*. At a minimum, training must include:

1. An annual review of this *Violence in the Workplace* policy, or initial review during the new-hire orientation process

2. An annual review of site specific SOP(s) for *Workplace Violence Prevention*, or initial review the during new-hire orientation process
3. All employees must review the brief training video *"Run. Hide. Fight. Surviving an Active Shooter Event"* presented by the Federal Bureau of Investigation on an annual basis, or during the new-hire process. The training video can be accessed online at: https://www.fbi.gov/about-us/office-of-partner-engagement/active-shooter-incidents/run-hide-fight-video

Additional training can include Town sponsored courses for:

1. Stress Management
2. Conflict Resolution
3. Others as determined by Department Directors

NOTE(S):

All training (mandatory and additional) must be properly documented and retained by department managers/supervisors. They must be readily available for review by Risk Management or by government regulatory inspectors.

Additionally, sworn staff and officers of the Mooresville Police Department will be exempt from all these training requirements, due to their departmental training and the unique nature of their positions. However, all support staff and dispatchers will be required to adhere to all aspects of this policy, including a review of the site specific SOP outlining the response they would follow at the Police Department.

I. Administration & Enforcement

The Town of Mooresville strictly adheres to a "Zero Tolerance" approach regarding workplace violence committed by or against employees. Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in threats, threatening conduct, or any other acts of aggression or violence towards Town employees or on Town property will be promptly reported to the proper authorities.

J. Retaliation

Every employee has the right to report, in good faith, incidents of violence in the workplace without fear of retaliation. Retaliation by any person against anyone in either the complaint or investigation process will not be tolerated and may result in disciplinary action, up to and including dismissal.

VII. Revisions

A. July 1, 2011. Original policy approval and implementation.
B. May 6, 2016. Major policy revisions to the following areas:
   1. Updated the Purpose and Scope sections for improved clarification and direction
   2. Added information to the Background section
   3. Restructured the entire Definitions section for enhanced understanding of the policy and response procedures by:
      a. Removal of previous definition for Threats or Acts of Violence
      b. Addition of definitions for Aggressive Intruder, Active Shooter, Emergency Lockdown, Emergency Responders, Evacuation, Shelter-in-Place, Threat, and Workplace Violence

4. Updated Legislation section to include the addition of various statutes and references not previously noted or that had changed since the original policy release
5. Removed Policy section
6. Restructured the entire Provisions section by:
    a. Revision of the Prohibited Conduct, Reporting Procedures, Risk Reduction Methods, Enforcement, and Retaliation subsections
    b. Removal of the Dangerous/Emergency Situations subsection
    c. Adding subsections for General Building Security, Carrying Firearms, Aggressive Person(s) & De-Escalation Techniques, Trespassing Procedures, Active Shooter(s), and Program Training Requirements to modernize and update the program
7. Reworded the Retaliation section
8. Added a Revisions section

VIII. Authorization

Approved by:

N. Erskine Smith, Town Manager

7-1-2016
Date