



TOWN AND COUNTY OF NANTUCKET, MASSACHUSETTS

Workplace Violence Policy

These policies and rules and regulations are promulgated in accordance with the provisions of the Charters of the Town and County of Nantucket. The Town and County reserve the right to change, add to, or delete any of the provisions of these policies and rules and regulations at any time.

Adopted on January 1, 2020

Purpose:

The Town of Nantucket intends to provide a professional environment that is free of violence, threats of violence, harassment, intimidation or other disruptive behavior by establishing preventative measures, providing training and education, providing assistance and support to those who have been exposed to workplace or domestic violence, and holding accountable those responsible for workplace violence. The Town provides employment protections for an employee who is, or whose family member is, a victim of abusive behavior, including domestic violence, or have family members that are victims. It is intended that all management tools be employed to accomplish the goal of avoiding or at the very least reducing the effect of workplace violence on the victim(s) and providing consequences to those who commit workplace violence. Management will utilize available resources such as the Town's Employee Assistance Program, Human Resources, law enforcement, and all applicable personnel policies and procedures to accomplish these goals.

Policy

The Town maintains a zero-tolerance policy toward workplace violence, or the threat of violence, by or against any of its employees, or elected or appointed officials, volunteers working for the Town, customers, the general public, and/or anyone who conducts business with the Town. It is the intent of the Town to provide a safe, healthy workplace, which is free of violence, threats of violence, harassment, intimidation, or other disruptive behavior.

The best way to prevent workplace violence is to raise the awareness of department heads and employees. To encourage early reporting and resolution of problem behavior before it escalates into violence. All employees are responsible for helping maintain a violence-free workplace. To that end, each employee is required to govern themselves accordingly. The town does not permit or allow weapons of any kind on or in town owned or operated buildings, vehicles, or worksites, unless otherwise authorized, which is addressed in section G. Weapons of any kind are not to be on your person while conducting business on behalf of the town or while commuting for business for the town. In addition, any employee experiencing or witnessing an act of violence is strongly encouraged to report it to their immediate supervisor and/or Human Resources. Threats assaults or other observed criminal behavior that are of an emergency nature and require immediate attention should first be reported to the Police Department via 911.

Each act or threat of violence will be investigated, and appropriate action will be taken. Any such act or threat may lead to discipline, up to and including termination.

Definitions:

Workplace violence is any act committed by or against an employee or other affected individual within the context of that individual's involvement with the Town, that creates a hostile work environment and negatively affects the individual, either physically or psychologically and includes, but is not limited to harassment, stalking, coercion, intimidation, threats, physical attack, or property damage.

Domestic violence The Employment Leave for Victims and Family Members of Abuse Law was signed into law on August 8, 2014 and became effective immediately. It provides several criminal justice and service reforms in the area of domestic violence and creates employment protections for an employee who is, or whose family member is, a victim of abusive behavior, including domestic violence, or have family members that are victims.

MGL c.149 s52E provides leave from work when an employee or family member of an employee has been a victim of abusive behavior. This law provides up to fifteen (15) days of leave in any twelve (12) month period under certain circumstances. The Town shall have sole discretion to determine whether any leave taken under this law shall be paid or unpaid. Family member is defined as (i) persons who are married to one another; (ii) persons in a substantive dating or engagement relationship and who reside together; (iii) persons having a child in common regardless of whether they have ever married or resided together; (iv) a parent, step-parent, child, step-child, sibling, grandparent or grandchild; or (v) persons in a guardianship relationship.

Except in cases of imminent danger to the health or safety of an employee, an employee seeking leave from work under this section must provide appropriate advance notice of the leave to the Town as required by the Town's leave policies. In cases of threat of imminent danger to the health or safety of an employee or the employee's family member, the employee is not required to provide advance notice of leave but must notify the Town within three (3) workdays that the leave was taken or is being taken under the Law. Such notification may be communicated to the Town by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee's family member.

The employee or individual authorized to communicate to the Town that leave was taken or is being taken under this Law, may do so by telephone, in person, in writing or by any other reasonable means to communicate notice.

An **employee or other affected individual** refers to any individual who serves in the capacity of an elected official, appointed member to a board, commission or committee, volunteer working for the Town, employee of the Town, consultant or contractor retained by the Town, or visitor who is engaged in some form of business or activity with the Town.

Harassment is behavior that intimidates, disturbs, upsets or threatens a person.

Intimidation is an act intended to frighten, coerce or induce duress or fear.

A **threat** is the expression of an intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. A threat of violence includes, but is not limited to any act of physical aggression, any verbal or written statements, harassing telephone calls, harassing email messages, gestures, expressions, or behaviors such as stalking that could

be perceived as an intention to cause physical or mental harm to any employee or other affected individual.

Physical attack is intentional, unwanted hostile physical contact with another person such as hitting, fighting, pushing, shoving, sexual assault, assault with a weapon or other device used as a weapon, or throwing objects.

Property damage is intentional damage to property, which includes property owned by the Town, elected officials, appointed board, commission, or committee members, employees, volunteers, visitors, vendors, consultants, or contractors.

Weapons are defined to include all devices that are intended to threaten, inflict harm, injury or death to an individual, such as, but are not necessarily limited to, firearms, knives, throwing devices, chemical and inert sprays or agents, stun guns, clubs, or types of devices that are designed to discharge some type of projectile, as well as any other type of device used to inflict injury to another individual, or to threaten to do so.

Workplace Violence Takes Several Forms:

- ***Violence by strangers*** – involves verbal threats, threatening behavior or physical assaults by an assailant who has no legitimate business relationship with the Town.
- ***Violence by customers*** – the assailant who is doing business with the Town.
- ***Violence by co-workers*** – the assailant has some employment related involvement with the workplace such as former employee, co-worker, Administrator, or board member.
- ***Violence by personal relationship*** – including spouse, partner, former spouse, former partner, friend, acquaintance.

Prevention of Workplace Violence:

The Town subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy within to report incidents of violence without fear of reprisal.

Procedure for Reporting Threat:

Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported to the Department Head and Human Resources. Threats assaults or other observed criminal behavior that are of an emergency nature and require immediate attention should first be reported to the Police Department via 911. Human Resources will work with the Department Head, the Chief of Police, and the Town Manager to assess and investigate the incident and determine the appropriate action to be taken. Human Resources, when appropriate, will inform the victim of his/her right to have the Police Department notified.

In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel must be promptly notified. As necessitated by the seriousness of the incident, the Town Manager may assemble a Response Team that consists of staff from the affected Department, Human Resources, Town Manager, Police, Town Counsel/Labor Counsel and may include the Employee Assistance Program, Emergency Response, and others as deemed necessary.

The Response Team is responsible for establishing the protocol in the event of a threat or violent incident that may include but is not limited to:

- Evaluating the potential violence problems;
- Assessing an employee's fitness for duty (through mental health professionals);
- Establishing a plan for the protection of co-workers and other potential targets;
- Coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel;
- Referring victims to appropriate assistance and community service programs; and
- Assuring that immediate (within 24 hours) and on-going counseling is available to traumatized individual.

Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment. Any action of this type resulting from a report of violence must be reported to the appropriate management staff for investigation and decision regarding proper action.

Employees who report incidents of workplace violence may request to do so confidentially. Such requests will be honored to the degree reasonable under the circumstances; however, there is no guarantee of complete confidentiality. The Town shall be sensitive to the employee's fear of reprisal. Information will be released only on a need-to-know basis in order to thoroughly investigate and resolve the matter. The identity of the individual making the report will be protected as much as is practical.

It is a violation of this policy to engage in any act of workplace violence. Any employee who has been determined to be in violation of this policy will be subject to disciplinary action up to and including termination and, depending upon the violent act, may be subject to criminal sanctions.

Should an employee commit an act of violence and it is determined in the investigation that the employee did in fact, commit the violent act, s/he may be referred to the EAP by Human Resources. In these cases, failure by the employee to keep the initial appointment with the EAP and follow through with the prescribed program may result in disciplinary action, including termination.

Should an employee become the victim of an incident of workplace violence, the Department Head or Human Resources may offer additional referral services to assist in coping with any effects of the incident.

Authorized Exceptions to Weapons:

An employee may only possess a weapon during the course of working hours under the following circumstances:

Used by a sworn police officer of the Nantucket Police Department in the line of duty.

Required as a part of the employee's job duties with the Town of Nantucket.

In compliance with Massachusetts General Laws and specific written authorization by the Select Board and the Town Manager where the employee has a demonstrated need to possess a weapon while at work. Prior to an authorization being granted the Chief of Police will be notified as to the request. If a request is granted, the Chief of Police will be notified in writing prior to authorization.

This permission will be granted for a specific period of time and will be subject to reassessment on a periodic basis.

All municipal employees, except sworn police officers and the animal control officer, who are seeking to possess a weapon in the workplace, must demonstrate the need and obtain written permission, which is to be filed in the employee's personnel file.

Violations:

Any violation of this policy will result in disciplinary measures, up to and including termination and, depending upon the violent act, may be subject to criminal sanctions.

Employees are required to immediately report any violation of this policy to his or her immediate supervisor or the Human Resources Director.

All reported violations of this policy will be investigated by the Town and/or the appropriate authority.

Inspections:

Town property furnished to anyone covered by this policy is subject to inspection with or without notice. This includes, but is not limited to, offices, desks, telephones, cell phones, computers, laptops, lockers, vehicles, etc. The Town also reserves the right to enter or inspect work areas. Employees have no expectation of privacy with regard to any equipment issued by the town.

THE TOWN RESERVES THE RIGHT TO AMEND, REVOKE, SUSPEND, TERMINATE, OR ALTER ANY OR ALL PARTS OF THIS POLICY AT ANY TIME WITHOUT PRIOR NOTICE. EMPLOYEES ARE ADVISED THAT CERTAIN VIOLATIONS OF THIS POLICY MAY ALSO CONSTITUTE A VIOLATION OF STATE OR FEDERAL LAW.