

## CITY OF FRAMINGHAM



### Workplace Violence Prevention and Safety

#### Policy Number: 41

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#### Policy Statement:

It is the policy of the City of Framingham to provide a workplace that is free from intimidation, threats, or violent acts and conducive to personal safety and security. Workplace violence undermines the integrity of the workplace and the personal safety of affected employees. All employees are responsible for establishing and maintaining a work environment that promotes professionalism and respect and is free from all forms of workplace violence and intimidation. Accordingly, the City maintains a “ZERO TOLERANCE” policy towards workplace violence, including but not limited to violent acts, threatening, harassing, or intimidating behavior by any of its, former employees, elected officials, customers, the general public, and/or anyone who conducts business with the City. While this policy sets forth City goals of promoting a workplace that is free of workplace violence, the policy is not designed or intended to limit the authority of authorized City officials to discipline or take remedial action for workplace conduct which authorized City officials deem unacceptable, regardless of whether that conduct constitutes a violation of this policy.

#### Policy Description:

This policy applies to all full-time and part-time employees of the City of Framingham, members of the public, vendors, interns, contractors, consultants, and others who do business with the City, whether in a City facility or off-site location where City business is conducted, other than those positions under the supervision and control of the school committee. Employees subject to Massachusetts Civil Service Laws and/or collective bargaining agreements are subject only to those provisions in this policy which are not specifically regulated by civil service law, G.L. c. 31, collective bargaining agreements or G.L. c. 150E.

### **Definition of Workplace:**

For the purposes of this policy, “workplace” is defined as:

- Any City of Framingham owned or leased property;
- Any location where City business is conducted;
- Vehicles or equipment (whether owned by the City or otherwise being used for City business); or any location where violence has resulted from an act or decision made during the course of conducting City business.

### **Definitions:**

*Workplace violence and aggression includes but is not limited to the following:*

- Physical assault and/or battery regardless of absence or presence of resulting injury such as hitting, pushing, punching, pinching, kicking or holding;
- Threats and/or acts of intimidation communicated by any means (written, oral or electronic) that cause an employee fear for his/her own physical safety or that of a colleague or customer;
- Destruction or attempted destruction of City owned or leased property including, without limitation, Information Technology and electronic systems;
- The use of City property, services, or equipment such as phones, faxes, copiers, computers, vehicles etc. for the purpose of threatening any individual with physical harm or an act of violence including acts of criminal harassment, sexual assault and stalking in violation of G.L. c. 265, and domestic violence in violation of G.L. c. 209A, stalking in violation of G.L. c. 265 § 43, or the violation of an abuse prevention order;
- Disruptive, physically aggressive or intimidating behavior, such as throwing objects, pounding on an object, intentionally interfering or blocking the movement of another person, screaming, verbal abuse, stalking, or making oral or written statements that a reasonable person would interpret as threatening, intimidating or humiliating and/or that cause a disruption of work productivity;
- The possession, transporting or use of a weapon either on the person or in a vehicle while on City property including imitation firearms, explosives, flare guns, instrument or material to damage City property, or harm or threaten an employee, customer, client, vendor, contractor, agent, or representative of the City of Framingham is strictly prohibited. Any other object that may be construed to be a dangerous weapon as defined under G.L. c. 269, § 10 or items possessed with the expressed intent to harass or injure others are likewise prohibited. The prohibition against weapons shall not apply to specifically authorized City employees, such as police officers and animal control officers;
- Any form of retaliation against anyone who, in good faith, reports a possible violation of this policy or cooperates in any internal investigation by the City or by law enforcement.

*Workplace Protections for Domestic Violence, Sexual Assault and Stalking Victims:*

- The City recognizes that domestic violence, sexual assault and stalking occurring outside of the workplace may lead to violence and disruption at work with the risk of potential harm to targeted victims and other employees in the workplace. These effects may include a disruption of workplace productivity for victims and other employees. In an effort to afford victims of domestic violence, sexual assault, and stalking the ability to protect themselves while at work, and to ensure the safety of all employees, the City of Framingham has established the following guidelines for managers and employees for addressing reports and allegations of domestic violence, sexual assault and stalking involving City employees. These guidelines are in accordance with M.G.L. Chapter 260;
- Managers shall foster a climate in which victims can be comfortable disclosing abuse, including posting resource information where victims and abusers can go for assistance;
- Managers and employees shall report crimes related to G.L. c. 209A which occur in the workplace which they believe to be domestic violence, sexual assault or stalking to local police;
- When appropriate, managers shall work with impacted employees to ensure workplace safety plans are completed in response to reports of domestic violence, sexual assault, and stalking;
- Managers and employees shall respect the privacy of victims and preserve confidentiality to the extent practicable, in dealing with non-emergency situations involving sexual assault, domestic violence or stalking;
- When notified of a restraining order in effect, managers shall utilize all reasonable efforts to address the employee’s concerns about safety and report any workplace violations of such order to the police.

**In coordination with Human Resources, managers shall provide employees/victims with workplace safety remedies and options including but not limited to; screening calls, temporary work station relocation and appropriate referrals to domestic violence confidential resources (Voices Against Violence).**

**In coordination with Human Resources, whenever applicable, managers shall provide employees/victims with flexible work schedule arrangements including up to fifteen (15) days of paid or unpaid leave in a calendar year, to address issues related to domestic violence, sexual assault or stalking, including obtaining medical attention, accessing the courts, and receiving counseling and support services.**

- Employees with active abuse prevention orders are strongly encouraged to promptly notify and provide a copy of any order to their Department Head and/or the Director of Human Resources, or his/her designee.
- The Human Resources Department shall provide assistance and support to managers and employees in response to reports of domestic violence, sexual assault and stalking. To the fullest extent permitted by law, all information in such reports shall be treated as confidential, kept separate from employee personnel files, and shared strictly on a “need-to-know” basis for the purposes of workplace safety incident management.

### **Roles and Responsibilities:**

### **Department Heads, Division Heads, Managers and Supervisors shall:**

- In coordination with Human Resources and the City of Framingham's Workplace Safety Committee, ensure that each employee receives and signs a copy of the Workplace Violence Prevention Policy;
- Foster a climate in which victims feel comfortable reporting incidents of workplace violence and aggression;
- Contact 9-1-1 immediately if the act or altercation constitutes a violent act/threat or life-threatening emergency;
- Promptly respond to and report allegations of workplace violence to appropriate personnel, including but not limited to immediate supervisor, law enforcement and/or Human Resources;
- Take appropriate and immediate actions to address employees' safety concerns including, but not limited to, the development of specific workplace security protocols and safety plans to minimize risks associated with workplace violence;
- Cooperate in any investigation involving workplace violence;
- Participate in mandatory City facilitated trainings focusing on violence prevention;
- Ensure reports of workplace violence are kept confidential to the extent practicable;
- Provide resources and referrals to victims of workplace violence and aggression to include the availability and contact information for the City's Employee Assistance Program (EAP); local domestic violence, sexual assault and stalking program resources (Voices Against Violence), and the Middlesex District Attorney's Victim Witness Program.

### **Employees shall:**

- Contact 9-1-1 immediately if the act or altercation constitutes a violent act/threat or life-threatening emergency;
- In non-emergency situations, promptly report allegations of workplace violence to appropriate personnel including but not limited to immediate supervisor, and/or Human Resources;
- If a manager/supervisor is the source of the alleged conduct, reports may be made directly to the Human Resources Department;
- Participate in City facilitated mandatory trainings focusing on violence prevention; and,
- Cooperate in any investigation of alleged workplace violence.

### **Workplace Safety Team:**

The role of the Workplace Safety Team is to monitor and review the administration of the policy, including training and the issuance of any/all procedures and guidelines including the coordination of emergency safety response operations to help ensure consistent, coordinated responses to acts of workplace violence. When necessary, the team may provide risk assessment and recommendations relating to specific incidents/threats, ensure appropriate liaison with law enforcement, and develop, direct and evaluate the City's crisis response systems. The Safety Team, co-chaired by the Chief of Police and the Director of Human Resources, shall include

select Department Heads and/or senior representatives from City departments as determined by the Chief of Police in coordination with City Administrators.

### **Guidelines for the Reporting, Investigation, and Discipline Involving Policy Violations:**

- Any City of Framingham employee, contractor, volunteer, intern or visitor may report violations of this policy to their immediate supervisor verbally and in writing. If the supervisor is the source of the threat or violence, the information shall be reported to the next available supervisor or to Human Resources. If the act or altercation constitutes a violent act/threat or life-threatening emergency, employees are directed to immediately call 9-1-1 and notify the City of Framingham's Police Department. In the event that a violation of this policy is committed by a member of the general public against a City employee, the response should be the same.
- All reports of workplace violence will be investigated promptly by an investigator designated by Human Resources. Internal investigations of workplace violence will be conducted in a manner that is sensitive to the safety concerns and privacy of the victim(s), the alleged perpetrator, and witnesses. All reports of violations of this policy will be treated seriously and handled with the highest degree of discretion possible under the circumstances. Reports, regardless of whether they are communicated verbally or in writing, shall be investigated promptly and fairly by an investigator designated by the Director of Human Resources.
- Any violation of the above prohibitions by a City employee shall subject the individual to appropriate disciplinary action up to and including termination, consistent with any applicable collective bargaining agreement and the City's Personnel Bylaws.
- In the interim, between a complaint and the final disposition of a workplace violence case, managers and supervisors shall take appropriate actions to address employees' safety concerns. This may include a written or verbal safety plan that addresses the immediate and ongoing workplace safety needs of the impacted employee(s). In addition, depending on the severity of the charge, such action may include placing the alleged perpetrator on leave with or without pay.

**Corrective or disciplinary action may be taken against employees who are arrested, convicted or issued a permanent abuse prevention order as a result of domestic violence when such action has a direct connection to the employee's job duties.**

### **Contact with the Media:**

Any call or request from the news media concerning an act or threat of workplace violence as defined within this policy will be immediately forwarded to the City of Framingham's Mayor's Office. Only the Mayor's Office is authorized to provide information to the news media. For additional information, please refer to the City's Critical Incident Policy.

### **References:**

City of Framingham Personnel Policy No. 29, Policy and Procedures for Elimination of Sexual Harassment in the Workforce;

City of Framingham Personnel Policy No. 35, Policy and Procedures for Criminal History Checks;

City of Framingham Personnel Policy No. 37, Policy on Discriminatory Harassment; G.L. c. 209A; G.L. c. 258E; G.L. c. 265, § 43, G.L. c. 266, § 120; G.L. c. 269, § 10;

*Workplace Violence Prevention and Intervention*, ASIS International and the Society for Human Resource Management, September 2011;

*Workplace Violence Prevention and Response Guideline*, ASIS International, 2005.