

BOARD OF SELECTMEN
Policy Against Workplace Violence
Original Date: January 27, 2009
2009-1

Purpose

The Town of Wellfleet believes that all employees are entitled to a non-threatening workplace where the basic safety of each employee is promoted. The Town of Wellfleet is committed to maintaining a safe workplace environment.

Prohibited Conduct

Any employee who threatens or engages in violence, displays intimidating behavior, harasses others, or who violates rules regarding dangerous objects in the workplace, is in violation of this policy. Therefore, any form of violence will not be tolerated. This includes, but is not limited to:

- ◆ Threatening, hostile, harassing or intimidating behavior
- ◆ Possession of weapon(s) in the workplace including but not limited to: gun, knife, explosive device, clubs, etc. (excluding weapons carried by authorized public safety officers)
- ◆ Violations of restraining orders
- ◆ Fighting and rough-housing
- ◆ Verbal abuse
- ◆ Stalking

An employee who believes he or she has been subjected to threats, intimidation, harassment or violence in the workplace by a fellow employee, customer or other person should report such conduct to the individual(s) specified below in the "Complaint Procedure." Complaints will be promptly investigated. The matter will be addressed by and among only such persons with a need to know. Any employee who violates this policy will be subject to serious disciplinary action, up to and including discharge.

Harassment

Harassment is defined as conduct which has the purpose or effect of unreasonably interfering with an individual's ability to perform the job or creating an intimidating, hostile, or offensive working environment.

Harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Wellfleet takes allegations of harassment seriously, we will respond promptly to complaints of harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of harassment, the policy is not designed or intended to limit our authority to discipline or pursue remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment or sexual harassment.

Any employee who believes he or she has been the subject of harassment of any kind should report the alleged harassment immediately to his/her department head or supervisor, or to the Town Administrator or Administrative Assistant. An investigation of all complaints will be undertaken immediately under the direction of the Office of the Town Administrator. Any employee who has been found, following appropriate investigation, to have harassed another employee shall be subject to appropriate sanctions depending on the circumstances, up to and including termination.

Officers, Managers and Supervisors – Management Responsibility

Violence, or the threat of violence, whether committed by supervisory or non-supervisory personnel is against stated Town of Wellfleet policy and may be considered as unlawful as well. In addition, management is responsible for taking action against threats or acts of violence by Town of Wellfleet personnel or directed toward them by others at the workplace, regardless of the manner in which the Town of Wellfleet becomes aware of the conduct.

All complaints will be treated seriously and investigated accordingly. It is management's responsibility to show employees that the Town of Wellfleet is serious about prohibiting, preventing, and remedying incidents of violence in the workplace. If a supervisor becomes aware of any action, behavior or perceived threat that may violate this policy, he or she is responsible for immediately contacting the Town Administrator or Chief of Police.

Reporting and Investigation of a Complaint

Any employee who believes he or she has been the subject of harassment should report the alleged harassment immediately to his/her department head or supervisor, and/or to the Town Administrator or Administrative Assistant. This may be done in writing or orally.

An investigation of all complaints will be undertaken immediately under the direction of the Office of the Town Administrator in a fair and expeditious manner.

The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses.

We will also interview the person(s) alleged to have committed harassment. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person(s) alleged to have committed the conduct, of the results of that investigation.

Disciplinary Action

If it is determined that inappropriate conduct has been committed by one or more of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

Complaint Procedure

Complaints of violence or of intimidating behavior should be brought to the attention of the Town Administrator or the Chief of Police. After notification of a complaint or when receipt of knowledge of a situation involving a possible threat of violence exists, then either the Town Administrator or Chief of Police will undertake a thorough investigation to gather all pertinent facts.

Non-Retaliation: This policy prohibits retaliation against any employee who brings complaints of violence or of intimidating behavior, or who helps in investigating complaints, unless the factual basis of the complaint is found to be intentionally fabricated. The employee will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of the complaint.

After the investigation has been completed, a determination will be made regarding the resolution of the complaint. If a violation of this policy is found, disciplinary action will be taken, up to and including termination of employment.

In addition, there may be criminal proceedings independent of any disciplinary action.

Important Notes:

1. If any employee believes he or she is the subject of harassment the individual must immediately contact his or her department head or immediate supervisor, or the Town Administrator or Administrative Assistant and must consult and follow the Town's Workplace Violence complaint procedure guidelines.
2. The procedures outlined above will also apply to the alleged harassment, by non-employees, and of non-employees, provided the incident(s) occur within the workplace and within the jurisdiction of the harassment complaint procedures.