

Workplace Violence

1026.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to make clear that the Department does not tolerate any direct or implied threats of violence or violent behavior in the workplace or any act or behavior that is or can be perceived as threatening, hostile, and/or violent.

1026.2 POLICY

Best Practice

It is the policy of the Toms River Fire Department to provide and maintain a safe work environment for its employees, volunteers, and members of the public.

In responding to any violent behavior in the workplace, the Department is committed to providing protection to all involved parties, including protection from future physical and/or mental harm and the protection of the legal rights of victims, witnesses, and those instigating the harm.

1026.3 PROHIBITED BEHAVIOR

Best Practice

No member shall engage in, encourage, or promote violent behavior toward any person while conducting department business or on department property.

No member engaged in department business shall carry or possess weapons or explosives unless either:

- (a) Permitted by department policy
- (b) State or local law prohibits the Department from restricting the possession of the weapon or explosive

1026.4 REPORTING AND INVESTIGATING

Best Practice

1026.4.1 MEMBER RESPONSIBILITY

Best Practice

Department members who experience, observe, or have knowledge of prohibited behaviors and actions in the workplace have a responsibility to report the situation as soon as practicable to a supervisor, a manager, or a human resources representative and to the local police department, if a threat has been made or a crime has occurred.

Members should render aid to anyone who may be in need and be prepared to assist emergency responders, as requested, following any incident of violence in the workplace.

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1026.4.2 SUPERVISOR, MANAGER, FIRE CHIEF, AND BUREAU CHIEF RESPONSIBILITIES

Best Practice

Upon receipt of a report of potential or actual workplace violence, supervisors shall gather as much information as possible to assess and determine the severity and potential of the situation. If the report is found to be credible, the next immediate supervisor shall be notified as soon as practicable and appropriate action taken.

Local law enforcement personnel shall be notified immediately of all threatening or violent behavior.

1026.4.3 INVESTIGATION

Best Practice MODIFIED

The Chief, Administrator or Board designee and a Commissioner will promptly, impartially, and with as much confidentiality as practicable coordinate the investigation of all reports of violent behavior.

Department members are required to cooperate in any investigation. A timely resolution of each report should be reached and communicated to all parties involved as quickly as possible.

1026.4.4 REPORTING NON-WORK-RELATED THREATENING OR VIOLENT BEHAVIOR

Best Practice MODIFIED

Department members who are victims of domestic violence or other threatening behavior outside of the workplace, or who believe they are potential victims of such behavior and fear it may enter the workplace, are encouraged to report the situation as soon as possible to their supervisors.

Supervisors receiving any such report shall contact the Chief, Administrator or Board designee or a Fire Commissioner as soon as practicable so that any appropriate safety measures or plans may be developed.

1026.5 RETALIATION PROHIBITED

Best Practice

Any form of retaliation against a member for making a report concerning violent behavior in the workplace is prohibited.

Any member who becomes aware of any retaliation or threatened retaliation shall immediately notify his/her supervisor.

1026.6 RESTRAINING ORDERS

Best Practice

Members who obtain a restraining order listing their workplace, person, or the Department as a protected area must provide a copy of the restraining order to their immediate supervisor or the Administrator. The Department needs this information in order to provide a safe workplace.

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1026.7 FOLLOW-UP ACTION

Best Practice **MODIFIED**

Any employee reported to have exhibited violent or potentially violent behavior will be afforded all rights provided by law and the applicable collective bargaining agreement before the Department takes any disciplinary action.

Actions that may be taken when an employee has been found to have violated this policy include but are not limited to the following:

- Mandatory participation in counseling
- Placing the employee on administrative leave pending investigation into an alleged threat or act
- Corrective/disciplinary action up to and including termination
- Criminal arrest and prosecution
- Special procedures, such as job relocation or initiation of a court order

If, upon investigation, it is determined that an allegation is false or was made maliciously, the employee who provided the false information will be subject to disciplinary action, up to and including termination, as well as possible criminal arrest and prosecution.

1026.8 LEGAL ACTION

Best Practice

The department's legal counsel will determine if a temporary restraining order or injunction should be sought on behalf of the Department to reduce future or threatened violent behavior in the workplace.

1026.9 CORRECTIVE ACTIONS

Best Practice

At the completion of the investigation and a review of the incident, or in the case of a threat of violence, non-disciplinary corrective actions should be implemented or requested to ensure overall workplace safety. These actions may include but are not limited to:

- Placing the involved member on administrative leave pending further review and determination of permanent action. Administrative leave would be unpaid in the case of a volunteer.
- Reassigning the member to a different work location.
- Referring the member to conflict resolution training sessions.
- Referring the member to the Employee Assistance Program (EAP).
- Modifying workstation designs and office traffic flow patterns.
- Requiring the member to attend a fitness-for-duty evaluation.

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- Developing specific workplace violence procedures for incident response, prevention, and corrective actions.

1026.10 WORKPLACE VIOLENCE PREVENTION

Best Practice

All department members are responsible for assisting in the prevention of violence in the workplace.

The Department will provide appropriate training to members regarding workplace violence.

In the event a violent incident occurs in the workplace, the Administrator or Board designee is responsible for ensuring that all responsibilities have been met and actions carried out, as detailed in this policy, and shall review the results of any investigation and ensure appropriate action is taken. Information gathered during an investigation should be used for the continuous improvement of policies and procedures to prevent workplace violence.