

# VILLAGE OF DECATUR SAFETY MEETING AGENDA

Wednesday  
January 24,  
2024



VILLAGE OF DECATUR  
SAFETY MEETING AGENDA  
Wednesday January 24, 2024 – 12:00PM  
Village Hall – 114 N. Phelps Street, Decatur, MI 49045

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12:00PM Safety Meeting

**Note: Please be courteous and turn off cell phones during the meeting.**

1. **CALL TO ORDER**

2. **ROLL CALL (Excused Absences if Any)**

3. **APPROVAL OF CONSENT AGENDA ITEMS**

5A.1 – Approval of the Safety Meeting Agenda for January 24, 2024.

5A.2 – Approval of the Safety Meeting Minutes from October 23, 2023, and November 21, 2023.

4. **DEPARTMENT SAFETY TOPICS**

6A.1 – Sexual Harassment & Discrimination in the Workplace.

6A.2 – Reducing Exposures from Workplace Violence.

5. **COMMENTS**

6. **ADJOURNMENT**

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**Village of Decatur**  
**Village Safety Committee Meeting Minutes**

Monday October 23, 2023, at 12:00 P.M  
Village Hall, 114 N. Phelps Street  
Decatur, MI 49045

I. Village Manager Tapper called the meeting to order at 12:03 P.M.

II. **Roll Call**

Clerk/Treasurer, Megan Duncan provided roll call; Village Manager, Christopher Tapper, Chief of Police Thomas VanDerWoude, DPW Foreman, James Ebeling (excused), DPW Team Leader, Tim Shroyer, DPW crew member, Gordy Myers, DPW crew member Alex Boitnott, Deputy Clerk/Treasurer, Natalie Davis, Administrative assistant, Shantel Pentland. Village President Elwaer (excused), President Pro Tem Jackson (excused), and Trustee Mead Jr. (excused).

III. **Approval of Agenda**

- a. Chief VanDerWoude made a motion with support from Clerk/Treasurer Duncan to approve the Safety meeting agenda for October 23, 2023, and Safety meeting minutes from September 12, 2023, motion carried 8-0.

IV. **Department Safety Topics – Guidelines to help lessen the likelihood of slips, trips, and falls.**

- a. Village Manager Tapper spoke to the committee about the importance of employee safety when it comes to slips, trips, and falls. With winter coming up the likelihood of an accident occurring increases. Manager Tapper communicated to DPW the importance and appreciation of the sidewalk clean up and the care of the Village rear parking lot.

V. **Department Safety Topics – 13 essentials for your Winter Emergency Car Kit.**

- a. Village Manager Tapper listed 13 essentials for a winter emergency care kit. Everyone should be prepared for an emergency when traveling during the winter. Having extra clothing, water, and blankets at the minimum.

VI. **Department Safety Topics – Winter car maintenance tips**

- a. Village Manager Tapper discussed with the committee the importance of winter car maintenance, replacing the windshield wipers, checking the condition of your tires, and making sure you are keeping gas in the tank.

**VII. Department Safety Topic – Open enrollment period, discussing current health care providers.**

- a. Village Manager Tapper had a discussion with the committee about the Village's current health care provider. Wanted employee opinions and if they would like to see what other health providers offer. Chuck May, Personalized Professional Insurance Services from Miller-Schuring Agency, will be meeting with Village Manager Tapper and Clerk/Treasurer Duncan about open enrollment, all employees are welcome to attend.

**VIII. Adjournment**

- a. Clerk/Treasurer Duncan made a motion with the support of Village Manager Tapper to adjourn the meeting at 12:58 P.M., motion carried 8-0. Minutes submitted by Megan Duncan, Village Clerk/Treasurer.

**Village of Decatur**  
**Village Safety Committee Meeting Minutes**

Monday November 21, 2023, at 12:00 P.M  
Village Hall, 114 N. Phelps Street  
Decatur, MI 49045

I. Village Manager Tapper called the meeting to order at 12:05 P.M.

II. **Roll Call**

Clerk/Treasurer, Megan Duncan provided roll call; Village Manager, Christopher Tapper, Chief of Police Thomas VanDerWoude, Police Sergeant Ted Rigg, DPW Foreman, James Ebeling, DPW Team Leader, Tim Shroyer, DPW crew member, Gordy Myers (excused), DPW crew member Alex Boitnott, Deputy Clerk/Treasurer, Natalie Davis, Administrative assistant, Shantel Pentland. Village President Elwaer (excused), President Pro Tem Jackson (excused), and Trustee Mead Jr. (excused).

III. **Approval of Agenda**

- a. Chief VanDerWoude made a motion with support from Village Manager Tapper to approve the Safety meeting agenda for November 21, 2023, motion carried 9-0.

IV. **Department Safety Topics – Emergency Preparedness and Response – Review of Current Village’s Emergency Guide.**

- a. Village Manager Tapper spoke to the committee about the importance of employee and public safety in an emergency. Emergency preparedness and response equips individuals and organizations with the knowledge and skills to navigate unforeseen circumstances. Village Manager Tapper defined emergency preparedness and response, what is a workplace emergency, and what an emergency action plan is.

V. **Department Safety Topics – Cold Stress: Hypothermia, Frostbite, and Trench foot.**

- a. Village Manager Tapper explained to the committee that the Village of Decatur has 78% of its employees subjected to weather conditions. With winter fast approaching, educating yourself about cold stress and how to protect yourself from it is highly important.

VI. **Safety Committee Comments**

- a. In celebration of the Thanksgiving holiday each present employee gave thanks to health, life, family, work, and each other.

VII. **Adjournment**

- a. Chief VanDerWoude made a motion with the support of Village Manager Tapper to adjourn the meeting at 1:03 P.M., motion carried 9-0. Minutes submitted by Megan Duncan, Village Clerk/Treasurer.



Village of Decatur  
114 N Phelps Street  
Decatur, MI 49045

## MEMORANDUM

TO: Safety Committee  
FROM: Megan Duncan, Clerk/Treasurer  
REVIEWED BY: Christopher Tapper, Village Manager  
DATE: January 24, 2024

SUBJECT: Request to review Sexual Harassment & Discrimination in the Workplace

### Action Requested:

It is requested that the Safety Committee review the Risk Control Solutions from MML on Sexual Harassment & Discrimination in the Workplace.

### Background:

The Michigan Municipal League maintains a wealth of risk management resources for its members including Risk Control Solutions that offer preventive guidance, checklists, legal perspectives, and background information on fifty areas of significant risk exposure. Sexual Harassment & Discrimination is a topic that MML highly recommends organizations to educate and to have a policy in place.

### Attachment(s):

Sexual Harassment & Discrimination in the Workplace



# Liability & Property Pool Workers' Compensation Fund

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## RISK CONTROL SOLUTIONS

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A Service of the Michigan Municipal League Liability and Property Pool and  
the Michigan Municipal League Workers' Compensation Fund

### **SEXUAL HARASSMENT & DISCRIMINATION IN THE WORKPLACE**

#### **Explanation**

Harassment and discrimination in various forms continue to create substantial liability for employers across many sectors of the economy – no less so for local government. Harassment and discrimination are prohibited under federal and state law and may be enforced by state or federal agencies, or through the courts by individual plaintiffs. Aside from the potential legal liability, harassment and discrimination can negatively impact an organization's operations by damaging employee morale, generating bad publicity, and keeping employees from their daily work and the primary goals of the organization due to the substantial time involved with internal investigations or outside legal proceedings.

While the terms harassment and discrimination are often used interchangeably by the public and the media, they are distinct legal claims with key distinguishing elements. Both harassment and discrimination involve conduct by either the employer or one's co-workers that is motivated, at least in part, by a bias towards what are known as protected characteristics. These may vary by the different state or federal laws involved in certain circumstances, but mainly include the characteristics of sex, race, religion, national origin, age, and disability. The characteristics of sex and race are the most frequently cited biases in formal investigations and court claims.

A claim of discrimination requires some type of negative employment action taken by the employer towards the person claiming discrimination. Examples of such actions include the failure to interview a particular applicant or current employee for a position, not promoting, or demoting, a current employee, disciplinary measures taken against an employee, or even changes to an employee's schedule, among others. The person making a claim of discrimination must also be able to demonstrate that the negative employment action was, at least partially, motivated by the person's protected characteristic. This may be accomplished by demonstrating direct statements of the employer and its agents regarding one of the protected characteristics or by demonstrating that members of a group having those characteristics are treated differently than those not having those characteristics.

Harassment generally requires behavior by either the employer, its agents, or a co-worker relating to the person's having one of the protected characteristics that a reasonable person would find to be objectionable to the point of altering the person's work environment in a negative way. These behaviors may be verbal comments, physical touching, pictures, emails or texts, or a refusal to work with certain individuals. Sexual harassment may take two forms. One, known as quid pro quo, involves making the acceptance of sexual advances a condition of employment decisions. The other form involves conduct that a reasonable person would find to create an intimidating, hostile, or offensive work environment. A claim of harassment may be made by a man or woman against another man or woman, not just by a woman against a man. Claims may also be brought by persons who only observe objectionable behavior and are not the direct target of the behavior. Conduct by non-employees may also create liability for an employer.



## **Prevention**

When it comes to harassment and discrimination, prevention provides the organization with the greatest protection from legal liability and other negative consequences. As with many workplace issues, the basis of prevention involves developing a sound policy, implementing the policy with all members of the organization, periodic training for all employees on policy requirements, including reporting avenues, and consistently and fairly enforcing the policy.

The development of an anti-harassment or anti-discrimination policy will likely involve numerous discussions between departmental levels of an organization. While many samples of such policies may be available as a starting point, the final policy should **always** be reviewed by an attorney familiar with employment issues before it is implemented.

Once a policy is finalized, all members of the organization (employees, management, elected officials, and even outside parties in some cases) should be trained on it. This means more than just printing out a copy of the policy and placing it in everyone's mailbox. Ideally, this should involve a face-to-face, group training session by top-level management or the organization's human resources department that reviews the policy thoroughly. The purpose of this training is to make sure that the policy has been communicated to all members of the organization and everyone understands what is and is not acceptable workplace conduct going forward. Questions and comments should be encouraged so that there are no misunderstandings on what the policy requires. This is the time when the organization begins to set the tone for how it will enforce the policy. Presenters and trainers may feel pressured to soften the policy in the face of employees who take the position that this really isn't such a serious issue and then want to pick apart the policy by coming up with a number of hypotheticals that would seem to require extreme or unreasonable actions by management to enforce the policy. While questions and comments should not be discouraged, the bottom-line stance should be that this is the organization's policy and if any member of the organization is not able to conform his or her behavior to it, disciplinary actions will be taken by management to enforce it as required by the law.

The final step, and the point where most organizations continue to fall short, is the consistent and prompt enforcement of the policy at all levels of the organization. All levels of management, from the chief executive, to department heads, to mid-level managers and supervisors, are responsible for understanding the policy and then holding employees accountable when they see or receive reports of behavior that falls short of the stated policy. Even outside contractors or vendors must comply with this policy when coming into your workplace. Violations of the policy by salespeople or delivery personnel must be reported to their employer and the behavior corrected or the business relationship must be ended. Disciplinary action is one of the most difficult managerial tasks, especially for mid-level managers towards employees who were their peers not long ago, but it is essential to limiting liability. No employee or member of the organization is above the law, regardless of his or her specialized expertise or position within the organization. When an employee brings a reasonable claim of discrimination or harassment to management and sees no action taken to address the problem, legal claims are likely to follow.

## **Policy**

As stated previously, there are a number of resources available to obtain sample policy language concerning harassment and discrimination. A simple Google search can provide employment policies from other municipalities that may serve as the *starting* point for your organization. Again, any policy developed should be reviewed by an attorney familiar with employment issues before it is implemented.

Aside from the standard language stating that harassment and discrimination are not allowed at the organization, there are certain items that should also be included in the policy.

- Examples – a non-exclusive list of specific types of behavior should be provided so employees and management will know what conduct is a violation of the policy.
- Reporting – the procedure to report incidents of harassment and discrimination should be spelled out clearly and explicitly encouraged.
- Confidentiality – to the extent possible, reports of harassment and discrimination should be kept confidential. While the employee making the complaint should be informed of the steps taken by the employer to investigate, specific disciplinary actions that are taken against the offending employee(s) should not be shared.
- Multiple avenues – there should be more than one person to whom a report may be made in the event that the person feels that proper steps are not being taken to address the issue. This may involve a procedure to report to someone outside of the organization (the municipal attorney, for example, may receive reports and follow up).
- Retaliation – retaliation by co-workers or management for making a claim should be treated the same as the original claim itself (in fact, many claims that the EEOC investigates and finds not to be a violation of the law continue on because of retaliation).
- Exit interviews – these should be performed in order to assess whether or not harassment or discrimination were factors in the employee's decision to leave the organization. While this may not completely prevent a future claim, it can mitigate the enforcement actions taken by the EEOC or the courts in the event of a successful claim.

All new employees or members of the organization should be trained on these policies and procedures when they join the organization. It is also a recommended practice to conduct this training periodically for all employees in the organization (every 2 to 3 years). Refresher training on the policies is also recommended for individuals that violate the policy.

## **Responsibilities**

It is the responsibility of the employer, meaning all levels of management, to prohibit discrimination and harassment in the workplace. All employees should be encouraged to report any instances of discrimination and harassment to the proper personnel within the organization. Employees should expect that all complaints will be promptly and thoroughly investigated by management and proper steps will be taken to prevent further violations of the policy. Management and employees must understand that any kind of retaliation towards the person making the complaint will be treated the same way.

Unnecessary delay by management in beginning an investigation or not reporting instances of discrimination or harassment in the hopes that things will just work themselves out is not acceptable. A single comment or inappropriate action by a co-worker may not create significant liability for the employer, but letting violations of the policy continue on without addressing them will create liability for the organization – even when not reported immediately by employees.

For more information, contact the League's Loss Control Services, or MML Risk Management Services.



### Important Contact Information

MML Risk Management Services	734/662-3246 or 800/653-2483
Loss Control Services	800/482-2726

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**Note:** This document is not intended to be legal advice. It does not identify all the issues surrounding this particular topic. Public agencies are encouraged to review their procedures with an expert or a competent attorney who is knowledgeable about the topic.

### **Additional Resources:**

Law Enforcement Action Forum – Fall 2018 newsletter

[http://www.mml.org/insurance/shared/publications/leaf\\_newsletter/2018-fall.pdf](http://www.mml.org/insurance/shared/publications/leaf_newsletter/2018-fall.pdf)

LEAF Manual, Chapter 15c – Harassment Policy

<http://www.mml-leaf.org/index.php>

LEAF Manual, Chapter 32 – Sexual Misconduct

<http://www.mml-leaf.org/index.php>

MML Risk Control Solutions – Disciplining and Discharging Legally

[http://www.mml.org/insurance/shared/pdf/risk\\_solutions/disciplining\\_discharging\\_legally2017.pdf](http://www.mml.org/insurance/shared/pdf/risk_solutions/disciplining_discharging_legally2017.pdf)

MML Risk Control Solutions – Reducing Your Exposure to Claims of Discrimination in Employment

[http://www.mml.org/insurance/risk\\_resources/pdf/risk\\_solutions/discrimination\\_in\\_employment2017.pdf](http://www.mml.org/insurance/risk_resources/pdf/risk_solutions/discrimination_in_employment2017.pdf)

MML Risk Control Solutions – Sexual Harassment: Reducing the Exposure to Litigation

[http://www.mml.org/insurance/risk\\_resources/pdf/risk\\_solutions/sexual\\_harassment2017.pdf](http://www.mml.org/insurance/risk_resources/pdf/risk_solutions/sexual_harassment2017.pdf)



Village of Decatur  
114 N Phelps Street  
Decatur, MI 49045

## MEMORANDUM

TO: Safety Committee  
FROM: Megan Duncan, Clerk/Treasurer  
REVIEWED BY: Christopher Tapper, Village Manager  
DATE: January 24, 2024

SUBJECT: Request to review Reducing Exposures from Workplace Violence

### Action Requested:

It is requested that the Safety Committee review the Risk Control Solutions from MML on Reducing Exposure from Workplace Violence.

### Background:

The Michigan Municipal League offers risk control solutions reducing exposure from workplace violence. In today's work environment, the significance of maintaining a safe and harmonious atmosphere cannot be understated. Recognizing and addressing such issues is not only crucial for the wellbeing of employees but also imperative for optimal organizational productivity.

### Attachment(s):

Reducing Exposures from Workplace Violence.



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## RISK CONTROL SOLUTIONS

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A Service of the Michigan Municipal League Liability and Property Pool and  
the Michigan Municipal League Workers' Compensation Fund

### REDUCING EXPOSURES FROM WORKPLACE VIOLENCE

The Center for Disease Control, National Institute for Occupational Safety and Health (NIOSH), in its 2014 report, cites there were 409 workplace homicide victims in 2014. The report went on to say that 15,980 people received workplace violence related injuries that year.

These statistics indicate that employers need to be conscious of the potential for problems and take steps to reduce the likelihood they or their employees may become a victim.

#### INTRODUCTION

This document focuses on violence committed by coworkers, bosses, clients, and domestic partners within a common work site. Employers should remember that other types of acts might also occur and take action to minimize the hazards stemming from them.

You can use these guidelines as benchmarks to help you assess your organization's current policies and practices. Not every recommendation may be appropriate for your organization. If you have not already implemented a suggestion, you should first consider whether that recommendation (or some variation of it) would be appropriate for your organization.

#### Reasons for Establishing a Program

Some organizations may not see the need for creating a program to reduce the hazards of violence in the workplace, especially if they have never experienced an incident of violence. The following are reasons why it is important for you to consider the recommendations included in this document.

- Recent reports and surveys suggest that workplace violence affects large numbers of employers and employees
- Just one violent incident can be costly for an organization. The costs can include:
  - Medical and psychiatric care as well as potential liability suits,
  - Disruption of services,
  - Loss of productivity,
  - Repairs and clean-up,
  - Higher insurance costs,
  - Consultants' fees,
  - Increased security measures and, most important of all,
  - The death or injury of valued employees and coworkers.
- Organizations have become increasingly intolerant of threats and other violent, abusive behaviors in the workplace.
- Executives, professionals and administrative personnel are no longer immune to acts of violence in the workplace.
- Unpopular changes in today's workplace such as layoffs, increased workload, and having to do more with less may contribute to an increased risk for violence.

- It is the right thing to do. Employers have a moral and legal obligation to provide a safe workplace for their employees, clients and visitors.

For these reasons, many organizations are developing plans for addressing workplace violence. When compared to the potential costs of an incident, these plans are a relatively inexpensive way to reduce the risk of violence and to minimize its impact.

## **GUIDELINES FOR EMPLOYERS**

After reading these guidelines, you should have a better understanding of the most important steps you can take to minimize the impact of workplace violence and threats. This section ends with a discussion of your legal obligations as an employer and potential liabilities regarding workplace violence issues.

### **Pre-Incident Violence Prevention and Preparation**

#### **Screen Candidates for Employment**

Employers who conduct effective background checks can often improve productivity and reduce the number of personnel prone to exhibiting violent behaviors.

- Use a job application form that includes an appropriate waiver and release (permitting the employer to verify the information reported on the application). Before hiring an applicant, check references and inquire about any prior incidents of violence involving the candidate.
- Conduct thorough background checks and use drug screening to the extent the law allows. The check should include obtaining references and verifying both work history and education. If job-related and allowable by state and federal law, the background investigation should also include a motor vehicle record check and a medical history check.
- Evaluate the need for screening contract personnel who work at your facility. Vendors and service organizations whose personnel make frequent visits or spend long periods of time working at your facility should certify that those individuals meet or exceed your organization's safety and security requirements.

#### **Take Advantage of Community Resources**

There are many programs and resources in the community that can help you develop your workplace violence plans. Some examples follow.

- Use law enforcement and security experts to educate employees on how to obtain prevention information, conduct building security inspections, and teach employees how to avoid being a victim.
- Consider using local associations and community organizations, such as the Chamber of Commerce, security organizations, and law enforcement groups, as a resource in order to stay abreast of crime trends and prevention techniques. Communicate to your employees those issues and trends that pose a significant threat.

#### **Institute and Review Security Procedures**

Periodically reviewing security policies and procedures will help minimize your organization's vulnerability to violence and other forms of crime.

- Conduct security surveys at scheduled intervals to help determine whether you need to make modifications. Four examples of improvements that you might consider during a security survey are:
  1. Improved lighting in and around the place of work (including parking lots);
  2. Arranging escorts for employees who are concerned about walking to and from the parking lot;
  3. Having reception areas that you can lock to prevent outsiders from going into the offices when no receptionist is on duty; and
  4. When appropriate, having more than one employee on the premises.
- Use, maintain, and regularly review appropriate physical security measures, such as electronic access control systems, silent alarms, metal detectors, and video cameras in a manner consistent with applicable state and federal laws.
- Limit former employees' access to the workplace as appropriate.
- Develop policies regarding visitor access within facilities. For example, if warranted, require visitors to sign in and out at reception, wear an identification badge while on the business premises, and/or have an escort.

### **Use a Common Sense approach To Risk Management**

Base your organization's program to reduce the hazards of violence in the workplace on common sense. Consider the following:

- 1) The potential impact of one or more violent incidents,
- 2) The likelihood of violent incidents occurring, and
- 3) The cost and effectiveness of the different measures you could take to reduce your risk.

Your risk assessment should consider the likelihood of incidents occurring given the individuals, community, and type of organization involved.

### **Improve Internal and/or External Communications**

Employees should have a means to alert others in the workplace to a dangerous situation and to provide information requested by emergency responders.

- Provide and post crisis management plans, building plans, and lists of contact persons.

### **Establish Ground Rules for Behavior**

Organizations that do not tolerate drug abuse or aggressive interaction lower the risk of workplace violence.

- You should inform employees about policies concerning drugs, violent acts, and possession of weapons so that your employees know exactly what you expect of them.
- Implement procedures for your organization to become a drug-free workplace. This includes prohibiting unauthorized use or possession, or being under the influence of alcohol at work.
- Disseminate to all employees a policy of zero tolerance to threats or actual violence at the workplace.
- Establish a policy regarding weapons that applies to all municipal employees and to everyone on municipal property (including the municipal parking lot). The policy should prohibit the possession of weapons that your organization has not authorized. A sample policy follows on page 9.

## **Provide Training for Employees and Managers**

To increase the likelihood that your policies and procedures concerning workplace violence will be effective, you should implement them in conjunction with appropriate training.

- Train managers and other selected individuals in appropriate ways to handle employee terminations, layoffs, and discipline. Examples include appropriate use of Employee Assistance Program (EAP) counselors and out placement services; providing managers with sensitivity and aggression management training; and, when possible, assessing violence potential of individuals prior to termination and taking appropriate measures such as hiring additional security.
- Suggest local police encourage victims of threats and violence outside the workplace to notify their employers about the incident when warranted. Upon notification, employers should provide receptionists and other front-line personnel having a need to know a description or picture of the alleged offender and inform them what actions they should take in the event that individual seeks entry or contact.
- Provide your employees with information about the potential for violence in the workplace, about how to recognize the early warning signs of a troubled or potentially violent person, about how to respond to those individuals, and how to report such incidents.

## **Know the Warning Signs of Potentially Violent Individuals**

There is no exact method of predicting when a person will become violent. However, there are some behaviors and warning signs that are characteristic of people who are having problems. A person may display one or more of these warning signs before he or she becomes violent. However, an individual may display one or more of the signs and never become violent. A display of these signs should trigger concern because people who are experiencing problems frequently exhibit them:

- Irrational beliefs and ideas
- Verbal, nonverbal or written threats or intimidation
- Fascination with weaponry and/or acts of violence
- Expressions of a plan to hurt himself or others
- Externalization of blame
- Unrequited romantic obsession
- Taking up much of supervisor's time with behavior or performance problems
- Fear reaction among coworkers and/or clients
- Drastic change in belief systems
- Displays of unwarranted anger
- New or increased source of stress at home or work
- Inability to take criticism
- Feelings of being victimized
- Intoxication from alcohol or other substances
- Expressions of hopelessness or heightened anxiety
- Productivity and/or attendance problems
- Violence towards inanimate objects
- Steals or sabotages projects or equipment
- Lack of concern for the safety of others

## **Establish a Prevention Program**

Organizations need to have programs in place to assist troubled employees and to address managerial concerns before violence or threats arise.



- Consider providing confidential Employee Assistance Programs (EAP) to deal with emotional, substance abuse, marital, and financial problems. As an alternative, provide employees with a list of relevant community resources. Actively encourage employees, supervisors, and managers to use these services.
- Conduct exit interviews when employees retire, quit, or when you transfer or terminate them to identify potential violence related security or management problems. Always conduct exit interviews with another individual, such as a Human Resources Assistant, present.

## **Documentation Procedures**

### Threat Incident Report

The organization's policy should require employees to report all threats or incidents of violent behavior that they observe or learn about to the designated Management Representative (DMR). The DMR should take the steps necessary to complete a threat incident report as quickly as possible, including private interviews of the victim(s) and witness(es). The Threat Management Team will use the report to assess the safety of the workplace and to decide upon a plan of action.

Elements of the threat incident report and any subsequent actions relating to the incident should be recorded in a tracking system for use by the Threat Management Team. Keep the tracking system, as well as all investigative files, secure and maintained separately from other records.

### Prepare a Threat Management Plan

It is important to prepare a threat management plan so that when a threat occurs everyone knows that you have a policy and everyone understands what to do. The plan might include:

- Designating a Threat Management Team
- Providing guidance concerning liaison with outside assistance
- Providing guidance developed in concert with local authorities for collecting and preserving evidence, including interview of involved parties
- Managing communications regarding the incident; for example, media relations, internal communications. Consider the use of a rumor control desk.
- Managing the release of sensitive information where appropriate
- Assigning responsibilities for contacting the families of victims
- Managing clean-up and repairs
- Notifying customers and suppliers about changes in orders
- Providing employees and their families with information about their benefits
- Managing operations and trauma care after the crisis

## **Threat Management Team**

The Threat Management Team consists of representatives from security, human resources, legal, medical services or EAP and safety. It may include external professionals such as psychologists, psychiatrists or threat assessment experts. The primary responsibility of this team is to develop a plan of action to resolve bona fide threats or acts of violence. Team members provide liaison with outside resources such as police, threat assessment professionals, and trauma teams. In addition, team members may be responsible for managing programs, including needs assessment and awareness training.

## **Evaluate Security after a Threat**

The Threat Management Team should review risks and determine what additional security measures, if any, the organization should put in place after an incident.

- If warranted, provide increased work-site protection when serious threats of violence have occurred. Such protection might include requesting additional police patrols, hiring security guards, and/or alerting organizations or people who might be affected.
- Consider the costs and benefits of providing increased protection to threatened employees. This could include changing their phone numbers, relocating them, loaning them a cellular phone, or providing them with a quick response distress button or information about where they can obtain this device.
- Seek guidance and training on what procedures you should take to screen mail and packages after you receive a threat or after a large-scale layoff. Contact the U.S. Postal Service or local police for guidance.

## **Managing the Aftermath of an Incident**

### **Trauma Plan**

Helping employees with the psychological consequences of workplace violence is the humane thing to do. It also greatly helps to reduce the financial losses that absences, loss of productivity among employees, and workers' compensation claims can cause.

After a violent incident, provide information and offer counseling services to employees and their families. Contact a local health professional to provide this service for you. Components of a trauma plan may include:

- A debriefing 24 to 72 hours after a serious incident of violence to include all affected employees.
- Providing a group debriefing after a serious incident of violence for immediate coworkers in how to communicate with the victim and/or coworker who is re-entering the job after absence; and
- Providing ongoing follow-up treatment, as needed.

## **LEGAL OBLIGATIONS AND DUTIES OF EMPLOYERS**

The duty of an employer to provide a reasonably safe workplace may arise from variety of federal or state statutes, regulations, or judicial decisions. Employers seeking to avoid liability for acts of workplace violence should become familiar with the legal requirements. The following highlights provide a foundation for the legal audit of your current policies and practices for reducing workplace violence.

### **Workplace Safety**

- Compliance with the Occupational Safety and Health Act, and similar state laws, may contribute to reducing of the risk of workplace violence.
- Many state courts have ruled that an employer is liable for the dangerous acts of employees if such harm was foreseeable. The employer must use reasonable care in hiring, training, supervising and retaining employees.

- Case law in some jurisdictions suggests that the employer may be liable for the negligent acts of independent contractors, where such contractors are incompetent, negligently selected, or engaged in abnormally dangerous activities.
- Under both federal and state statutes, the employer may be liable for failure to intervene in situations of harassment of employees by supervisors or management, and in situations involving coworkers where the employer was aware of the harassment.
- The employer may be liable for the acts of an employee who is intoxicated or otherwise a risk to others, if the employer exercises control over the employee and is negligent in exercising that control
- Employers are expected to use reasonable security precautions and other measures to minimize the risk of foreseeable criminal intrusion (based upon the prior experience of the employer, its location in a dangerous area, or industry victimization base rates).

Employers should be cautious about reducing the level of security because of financial pressures. To avoid or reduce liability the employer should first assess whether the level of security risk justifies reducing security measures.

### **Training Issues**

- Various federal and state laws or case law may require the employer to establish written policy and procedures dealing with harassment, as well as the training of employees as to municipal policies prohibiting sexual or racial harassment, fighting, and the use of drugs or alcohol in the workplace.
- The organization may avoid or reduce liability for acts of violence in the workplace if the organization can show that it has trained its employees on how to recognize the warning signs of potentially violent behavior, and on precautions that may enhance the personal safety of the employee at work.

### **Duty to Warn**

In some jurisdictions, an employer, employment counselor, or therapist may have a duty to warn an identified employee, spouse, or third party of a threat made by another to do bodily harm to that person.

## **OTHER LEGAL OBLIGATIONS**

### **Nondiscrimination**

The Americans with Disabilities Act of 1990 (ADA) and related state statutes prohibit employers from discriminating against qualified individuals with physical or mental disabilities. An employee could claim that his violent or threatening behavior was the result of a disability and request reasonable accommodation from the employer. While federal law and judicial decisions provide that an employer may disqualify an employee who is a danger to self or others, the employer may have an obligation to investigate a claim of disability to determine whether dismissal is necessary for the protection of the employee or others in the workplace.

## Respecting Employee Rights

- Avoid claims of defamation. If an employer warns employees of an individual's threat of violence, he or she could be liable for defamation if the employer is subsequently proved to be mistaken. The employer can minimize this liability by conducting a prompt investigation of all allegations and by notifying only those individuals who have a need to know of the risk.
- Avoid claims of wrongful discharge. An employee terminated for having violent tendencies could file a wrongful discharge suit against the employer if the employee disputes his employer's characterization. Although employers should investigate complaints against an employee prior to termination, they should consider suspension of the employee with pay while the charges are being investigated. The employer might also consider offering the employee a chance to resign as an alternative to termination.
- Respect the privacy rights and confidentiality rights of employees during any investigation.

The above list of legal obligations is not meant to be comprehensive. To find out more about the requirements in your community, refer to state statutes or ask your legal counsel.

If you have any questions or if we can help you with other areas of risk management, please contact us.



### Important Telephone Numbers

MML Risk Management Services	734/662-3246 or 800/653-2483
Loss Control Services	800/482-2726

**Note:** This document is not intended to be legal advice. It does not identify all the issues surrounding the particular topic. Public agencies are encouraged to review their procedures with an expert or a competent attorney who is knowledgeable about the topic.

## MODEL POLICY FOR WORKPLACE THREATS AND VIOLENCE

Nothing is more important to (organization's name) than the safety and security of its employees. (Name of Organization) will not tolerate threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on (organization's name) property. Violations of this policy may lead to disciplinary action that may include dismissal, arrest, and prosecution.

Any person who makes substantial threats, exhibits threatening behavior, engages in violent acts on (Name of Organization's) property shall be removed from the premises as quickly as safety permits, and shall remain off (Name of Organization) premises pending the outcome of an investigation. (Name of Organization's) will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or prosecution of the person or persons involved.

No existing (Name of Organization's) policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life threatening situation from developing.

All (Name of Organization's) personnel are responsible for notifying the management representative designated below of any threats that they have witnessed, received, or have learned that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a municipally controlled site, or is connected to municipal employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the designated management representative is not available, personnel should report the threat to their supervisor or another member of the management team.

All individuals who apply for or obtain a protective or restraining order which lists municipal locations as being protected areas, must provide to the designated management representative a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is permanent.

(Organization's name) understands the sensitivity of the information requested and has developed confidentiality procedures that recognize and respect the privacy of the reporting employee(s).

The designated management representative is:

Name: \_\_\_\_\_ Department: \_\_\_\_\_