

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the workplace violence policy be approved as amended.

(Unanimous vote with the exception of Aldermen Ludwig and Roy who voted in opposition)

Respectfully submitted,



Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held November 19, 2013, on a motion of Alderman O'Neil, duly seconded by Alderman Long, the report of the Committee was accepted and its recommendations adopted.



City Clerk

Thomas R. Clark
City Solicitor



Thomas I. Arnold, III
Deputy City Solicitor

Peter R. Chiesa
Gregory T. Muller
John G. Blanchard
Jeremy A. Harmon

CITY OF MANCHESTER
Office of the City Solicitor

October 3, 2013

Jane Gile, Director
Human Resources Department
One City Hall Plaza
Manchester, NH 03101

Re: **workplace violence policy**

Dear Jane:

In Board of Mayor and Aldermen

Date: 10/15/13

On motion of Ald. Greazzo

Seconded by Ald. Katsiantonis

Voted to refer back to the Committee on Human
Resources/Insurance.

City Clerk

Pursuant to the questions raised at the October 1, 2013 meeting of the Board of Mayor and Aldermen, I have given the language of the workplace violence policy relating to firearms further review.

The initial review was the perspective that the City would not be regulating the possession of a firearm but rather would be acting as an employer setting an in place workplace policy for its employees.

However, based upon further review, and the language contained in RSA 159:26, it is my opinion that the appropriate course is to remove the language relating to possession of firearm from the policy.

If you have any questions, feel free to contact me.

Very truly yours,

Thomas R. Clark
City Solicitor

TRC/hg

cc: Board of Mayor and Aldermen

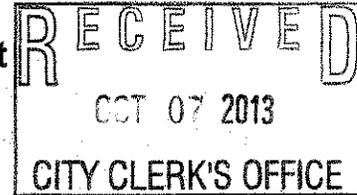


City of Manchester

Human Resources Department

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WORKPLACE VIOLENCE POLICY

It is the goal of the City of Manchester to provide a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees shall review and understand all provisions of this workplace violence policy. It is the City of Manchester's policy that employees maintain a working environment that encourages mutual respect, promotes civil and congenial relationships among employees and is free from all forms of harassment and violence.

Prohibited Conduct

The City of Manchester does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. The list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

- Assaults;
- Threats of physical assaults, bullying or other verbal or non verbal threatening behavior, that have the effect of threatening the safety of other persons or property; whether made in person or by other means (including but not limited to: telephone, text, fax, email, social media or written correspondence.)
- Verbal abuse or harassment by any means or medium (including but not limited to: using intimidation tactics making malicious, false and harmful statements about others, making threats, sabotaging another's work, stalking others, etc.);
- Aggressive or hostile behavior, aggressive outbursts, excessive display of anger or comments that creates a reasonable fear of harm to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Committing acts motivated by, or related to, sexual or another form of harassment or domestic violence (including but not limited to: making malicious, false and harmful statements about others, publicly disclosing another's private information, failing to hire or promote, issuing poor performance reports, etc. as a form of retaliation);
- Any behavior or collection of behaviors that instill fear or generate a concern that a person might act out violently (including but not limited to: harsh words or insults, excessive profanity, arguing loudly, overt displays of anger, e.g. slamming doors, punching walls, etc.)

Reporting Procedures

Any potentially dangerous situation must be reported immediately to a supervisor or department head who shall report it to the Human Resources Director or designee as soon as possible for further evaluation. Reports can be made confidentially and all reported incidents shall be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others on a need-to-know basis.

All parties involved in a situation will be counseled and the results of the investigation will be discussed with them. The Department head and/or Human Resources Director or designee will actively intervene at any indication of a possible hostile or violent situation.

An employee who obtains a protective or restraining order that includes his/her work location as a restricted area shall provide his/her supervisor and Human Resources Director or designee;

- *A copy of the petition and declarations used to seek the order;*
- *A copy of any granted temporary protective or restraining order;*
- *A copy of any protective or restraining order which is made permanent.*

The City Security Manager will conduct a further evaluation as soon as possible. Protective or restraining orders, reports, and incidents will be handled appropriately and information will be disclosed on a need-to-know basis.

Risk Reduction Measures

Hiring: The Human Resources Director or designee will ensure reasonable measures to conduct background investigations to review candidates' backgrounds and reduce the risk of hiring individuals with a history of violent behavior.

Safety: Security Managers will conduct annual inspections of their premises to evaluate and determine vulnerability to workplace violence or hazards. Necessary corrective action will be taken by the department in order to reduce risks.

Individual Situations: While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgement and to inform their supervisor or department head or Human Resources Director or designee if any employee exhibits behavior, which could be a sign of a potentially dangerous situation. Such behavior includes:

- Displaying overt signs of extreme stress, resentment, hostility or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance;
- Displaying irrational or inappropriate behavior;
- Inappropriate use of alcohol or illegal substances.

If the information is provided to a supervisor, the Department Head will be notified who shall notify the Human Resources Director or designee as soon as possible for further evaluation.

Dangerous/Emergency Situations

Employees who confront or encounter an armed or dangerous person should remain calm and refrain from challenging or disarming the individual. If the police can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given. Once the situation has ended the department head and police shall be notified.

Enforcement

Any employee determined to have violated this policy shall be subject to disciplinary action up to and including termination. Non-employees engaged in violent acts on City premises shall be reported to the proper authorities.