

CITY HALL
HOBOKEN, NEW JERSEY

Executive Order to Ban Workplace Violence, Harassment and Incivility

CITY OF HOBOKEN

No.: 5

EXECUTIVE ORDER

Date: 2/10/11

WHEREAS, it is the policy of the City of Hoboken ("City") not to tolerate workplace violence, incivility or harassment amongst its employees, elected officials, appointed officials and members of the public; and

WHEREAS, in addition to preventing workplace harassment, the City is dedicated to promoting professionalism, efficiency, productivity, and cooperation among its employees, elected officials and members of the public; and

WHEREAS, the City requires all the various stakeholders to comport themselves in a polite, tolerant and courteous manner, especially at public meetings of the City. Name-calling, verbal taunts, heckling, hissing, booing, mocking and similar activities shall no longer be tolerated during public meetings of the City; and

WHEREAS, it is also the policy of the City that workplace harassment of employees is unacceptable conduct and will not be condoned nor tolerated when committed by employees, members of the public, elected officials or agents of the City in the workplace or in the course of work.;

WHEREAS, the City is equally committed to maintaining a work environment free from intolerance, harassment of all types, bullying, bigotry and the like, and to improve stakeholder awareness for the need to be sensitive to how they interact with fellow employees, vendors and members of the public to foster professionalism and good citizenship;

NOW, THEREFORE, I, Dawn Zimmer, Mayor of the City of Hoboken, New Jersey by virtue of the authority vested in me by the Statutes of this State and the laws of the City of Hoboken, do hereby, **ORDER, DIRECT AND ISSUE THE FOLLOWING EXECUTIVE ORDER:**

Section 1. Intent

The intent of this Executive Order is to create a workplace environment that will not tolerate violence or incivility. Violent acts or threats made by an employee, elected official or member of the public against another person will be acted upon immediately and with the full resources of the City. This includes any violence or threat made on City property, at City events (including Council Meetings) or under other circumstances that may negatively affect the City's ability to conduct business.

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Name-calling, verbal taunts, heckling, hissing, booing, mocking and similar activities;
- Aggressive, hostile or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or the property of another employee;
- Possession of a weapon while on City property or while on City business;
- Committing acts motivated by, or related to, political retaliation or workplace harassment.

Any potentially dangerous situations must be reported. The City will actively intervene in any hostile or violent situation.

The need for mutual respect and the opportunity to work together in a peaceful, mutually rewarding and efficient work environment provides the foundations upon which these rules are established.

Section 2: Work Place Misconduct Defined

It is important to remember that all City employees spend considerable time together during the workday. It also must be remembered that we represent the City when interacting with vendors and members of the public. Therefore, it is incumbent upon all of us to be careful in how we interact with co-workers, vendors and members of the public and how they interact with us. What

may be inoffensive language or conduct to one person may be offensive to another. We all must be aware of our actions and maintain a professional, respectful and courteous demeanor at all times.

Workplace harassment can range from verbal (oral, written or pictorial) abuse or body language and gestures, which create an intimidating, hostile or offensive working environment to physical violence. Examples of workplace harassment include teasing, bullying, racial, ethnic or gender slurs and other derogatory remarks.

In addition to preventing workplace harassment, the City is dedicated to promoting professionalism, efficiency, productivity, and cooperation among its employees, elected officials and members of the public. Therefore, the City requires the various stakeholders to be sensitive to how we comport ourselves in the workplace and at public meetings. Although the City cannot possibly provide an exhaustive list of impermissible behavior, the following provides some examples for guidance:

1. Insubordination or failure to cooperate with fellow employees and/or supervisors;
2. Loss of time by absence, tardiness or leaving assigned job without supervisory approval;
3. Loss of material, tools, equipment or supplies occasioned by wasteful practices or negligence;
4. Damaging or defacing the City's property or products;
5. Creating or contributing to unsanitary conditions;
6. Unauthorized use of materials, tools, equipment, vehicles or supplies;
7. Failure to comply with safety rules and regulations or engaging in conduct that creates a safety or health hazard;
8. Horseplay, gambling or instigating or participating in a fight;
9. Vending, soliciting, or distributing goods or printed matter for other than charitable purposes;
10. Unsatisfactory performance;
11. Theft;

OFFICE OF THE MAYOR

12. Falsifying/making a material omission on, or altering the City's records, time cards, report forms, application materials, etc.;
13. Intolerant, abusive demeaning, prejudicial comments (including yelling) and/or actions towards fellow employees, members of the public, elected or appointed officials or any other person;
14. Using, processing or being under the influence of alcohol or unlawful drugs while on duty, while on the City's property;
15. Bringing unauthorized firearms, explosives or other dangerous materials on the City's property without explicit prior authorization by the City;
16. Divulging confidential information to others without express authorization by the City;
17. Violation of the City's security regulations;
18. Immoral conduct or indecency, including name-calling, verbal taunts, heckling hissing booing, mocking and similar activities; and/or
19. Engaging in unlawful harassment of another person.

Section 3: Violations/Complaint Procedure

- A. Public Meetings – Any person who comports his/herself in such a manner shall be warned once to cease and desist from such actions. If the person refuses or fails to stop such activities, he/shall shall be removed from the meeting by the Police and warned that future similar actions shall result in the filing of a defiant trespass action.
- B. Employee At Workplace – Any employee who believes he or she has been subjected to offensive and/or insulting behavior by a co-worker, member of the public, elected official, supervisor or vendor, has an obligation to directly inform the offending person that the conduct is offensive and must stop.

If this direct communication with the offending person is not successful, the employee should promptly report the incident(s) and the names of the individuals involved to his or her supervisor or, in the alternative, to the Business Administrator, who will investigate all such claims and take appropriate corrective action, if any.

Confidentiality to the extent possible will be maintained and no reprisals or retaliation will result from the good faith reporting of intolerant behavior.

In determining whether the alleged conduct constitutes workplace intolerance, the totality of the circumstances, the nature of the conduct, and the context in which the

alleged conduct occurred will be investigated. Any employee found to have engaged in such impermissible behavior shall be subject to sanctions, including, but not limited to, warning, suspension or termination subject to applicable procedure requirements.

A violation of any provision of this Executive Order shall be considered a violation of the City Code of Ethics and may subject the Municipal Official, Employee or Appointee to disciplinary action.

Section 4. Severability and Effectiveness

If any sentence, paragraph or section of this Executive Order, or the application thereof to any persons or circumstance shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Executive Order shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Executive Order.

Section 5: Repeal of All Inconsistent Executive Orders

All Executive Orders and parts of Executive Orders inconsistent herewith are hereby repealed.

Section 6: Compliance

All Departments are hereby directed to comply with the terms of this Executive Order.

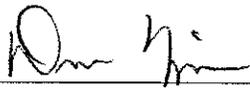
Section 7. Effective Date

This Executive Order shall take effect immediately.

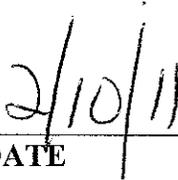
[Signature Page Follows]

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APPROVED:



DAWN ZIMMER
MAYOR

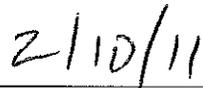


DATE

AS TO FORM:



MARK A. TABAKIN
CORPORATION COUNSEL



DATE

ATTESTED TO AND RECORDED BY:



JAMES J. FARINA
CITY CLERK



DATE

This Executive Order shall remain in the custody of the City Clerk. Certified copies are available upon request.