

DUTCHessBOCES

WORKPLACE VIOLENCE
PREVENTION PROGRAM

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Purpose

The purpose of this prevention plan is to ensure that a public school employer and its employees, design and evaluate the risk of workplace assaults and homicides. In addition, the Agency must implement a **Workplace Violence Protection Program** to prevent and minimize the hazard of workplace violence to public employees.

Definitions

Employer:

- A. the state
- B. political subdivision of the state, provided, however that this subdivision shall not mean any employer as defined in section twenty-eight hundred one-a of the education law
- C. public authority, a public benefit corporation, or any other governmental agency or instrumentality thereof
- D. authorized agency as defined in paragraph
 - (1) of subdivision ten of section three hundred seventy-one of the social services law
 - (2) That accepts children adjudicated delinquent under article three of the family court act.

Employee: a public employee working for an employer.

Workplace: any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment by an employer.

Supervisor: any person within an employer's organization who has the authority to direct and control the work performance of an employee, or who has the authority to take corrective action regarding the violation of a law, rule or regulation to which an employee submits written notice.

Retaliatory action: the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Risk evaluation and Determination

Every employer shall evaluate its workplace or workplaces to determine the presence of factors or situations in such workplace or workplaces that might place employees at risk of occupational assaults and homicides. Examples of such factors shall include, but not limited to:

- A. working in public settings

- (1) social services or other governmental workers
 - (2) police officers, firefighters
 - (3) teachers
 - (4) public transportation drivers
 - (5) health care workers
 - (6) service workers
- B. working late night or early morning hours
 - C. exchanging money with the public
 - D. working alone or in small numbers
 - E. uncontrolled access to the workplace
 - F. areas of previous security problems

Workplace Violence Prevention Program

Every employer with at least twenty full time permanent employees shall develop and implement a written **Workplace Violence Prevention Program** for its workplace or workplaces that includes the following:

- A. a list of the risk factors identified in subdivision three of this section that are present in such workplace or workplaces;
- B. the methods the employer will use to prevent incidents of occupational assaults and homicides at such workplace or workplaces, including but not limited to the following:
 - (1) Making high-risk areas more visible to more people
 - (2) Installing good external lighting
 - (3) Using drop safes or other methods to minimize cash on hand
 - (4) Posting signs stating that limited cash is on hand
 - (5) Providing training in conflict resolution and nonviolent self-defense responses
 - (6) Establishing and implementing reporting systems for incidents of aggressive behavior.

Employee information and Training

Every employer with at least twenty permanent full time employees shall make the written **Workplace Violence Prevention Program** available, upon request, to its employees, their designated representatives and the department.

A. Every employer shall provide its employees with the following information and training on the risks of occupational assaults and homicides in their workplace or workplaces at the time of their initial assignment and annually thereafter:

- (1) Employees shall be informed of the requirements of this section, the risk factors in their workplace or workplaces, and the location and availability of the written **Workplace Violence Prevention Program** required by this section and risk factors may include

- a. Working alone
- b. Working at night
- c. Campus Traffic
- d. Conference Center visitors

(2) Employee training shall include the measures employees can take to protect themselves from such risks, including specific procedures the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, use of security alarms and other devices;

- a. SHELL protocols posted in plain site
- b. Established Building Level Emergency Response Protocols.
- c. Minimize entry points and adhere to visitor welcome protocols.
- d. All BOCES employees will be provided a name/swipe badge, which must be worn at all times.
- e. The agency has surveillance cameras throughout the campus
- f. Agency-wide Emergency Plan posted on the website
- g. All BOCES employee email blasts will provide additional information and updates
- h. Informational TV screen displays throughout the schools

B. The details of the written **Workplace Violence Prevention Program** developed by the employer.

- (1) The Workplace Violence Protection Plan will be posted on the website
- (2) Workplace Violence Protection Plan notification form posted on website
- (3) Board Policy Posted

Application

Any employee or representative of employees who believes that a serious violation of a Workplace Violence Protection Plan exists or that an imminent danger exists shall bring such matter to the attention of Human Resources in the form of a written notice and shall afford the employer a reasonable opportunity to correct such activity, policy or practice.

This referral shall not apply where imminent danger or threat exists to the safety of a specific employee or to the general health of a specific patient and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.

If following a referral of such matter to the employee's supervisor's attention and after a reasonable opportunity to correct such activity, policy or practice the matter has not been resolved and the employee or representative of employees still believes that a violation of a Workplace Violence Prevention Program remains, or that an imminent danger exists, such employee or representative of employees may request an inspection by giving notice to the commissioner of such violation or danger.

Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or representative of employees, and a copy shall be provided by the commissioner to the employer or the person in charge no later than the time of inspection, except that on the request of the person giving such notice, such person's name and the names of individual employees or representatives of employees shall be withheld. Such inspection shall be made forthwith.

A representative of the employer and an authorized employee representative shall be given the opportunity to accompany the commissioner during an inspection for aiding such inspection. Where there is no authorized employee representative, the commissioner shall consult with a reasonable number of employees concerning matters of safety in the workplace.

The authority of the commissioner to inspect a premise pursuant to such an employee complaint shall not be limited to the alleged violation contained in such complaint. The commissioner may inspect any other area of the premises in which he or she has reason to believe that a serious violation of this section exists.

No employer shall take retaliatory action against any employee because the employee does any of the following:

- A. makes an application pursuant to paragraph a of this subdivision
- B. requests an inspection as authorized in paragraph b of this subdivision
- C. accompanies the commissioner as authorized

The commissioner may, upon his or her own initiative, conduct an inspection of any premises occupied by an employer if he or she has reason to believe that a violation of this section has occurred or if he or she has a general administrative plan for the enforcement of this section, including a general schedule of inspections, which provide a rational administrative basis for such inspecting. Within one hundred twenty days of the effective date of this paragraph, the commissioner shall adopt rules and regulations implementing the provisions of this section. Any information obtained by the commissioner pursuant to this subdivision shall be obtained with a minimum burden upon the employers.

When a request for an inspection has been made in a situation where there is an allegation of an imminent danger such that an employee would be subjecting himself or herself to serious injury or death because of the hazardous condition in the workplace, the inspection shall be given the highest priority by the department and shall be carried out immediately.

N.Y. Lab. Law § 27-

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APPENDIX 1: Workplace Violence Prevention Statement

Dutchess BOCES is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients.

Workplace Violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Acts of violence against any of our employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients and visitors, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment.

This statement is designed to meet the requirements of New York State Labor Law Act. 2 §27-b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that is designed to identify the risks of workplace violence to which our employees could be exposed. Authorized Employee Representative(s) will, at a minimum, be involved in:

- A. Evaluating the physical environment;
- B. Developing the Workplace Violence Prevention Program ; and
- C. Reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees will participate in the annual Workplace Violence Prevention Training Program. The goal of this statement is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. All personnel are responsible for notifying

the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person: Dr. Norah Merritt
Title: Assistant Superintendent
Department: Human Resources
Phone: 845-486-4800
E-mail: norah.merritt@dcbooces.org

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APPENDIX 2: Records Examination

<p>Instructions: Examine records below from the previous year to identify patterns, if any, of injuries in particular areas of the workplace or incidents, which involve specific operations or specific individuals.</p> <p>Record the results in the column to the right,</p>	
Record Examination	Results of the examination
School Safety and the Educational Climate report	
Workplace Violence Incident Reports and Clery Act report for School of Practical Nursing	
Personnel Disciplinary Reports	

Workers' Compensation Reports	
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APPENDIX 2-B: Assessment of Policies, Practices, and Procedures

Instructions: Conduct assessment of work practices and procedures that may impact the risk of workplace violence.	
	Record the results of the assessment and any associated risks below.
<p>Examples of relevant policies:</p> <ul style="list-style-type: none"> • Domestic Violence • Sexual Harassment • Visitation Policies <p>Policies relevant to the care and treatment of clients, patients, and inmates</p> <p>Policies for staff in field travel assignments</p> <ul style="list-style-type: none"> • Daily check-in procedures • Itineraries • Cell phones provided, etc. <p>Examples of work practices and procedures:</p> <ul style="list-style-type: none"> • Visitor/Client sign in/out • Escorting visitor(s)/client(s) • One client entrance used • Desks clear of objects which may become weapons (might be relevant in situations where dealing with the public) • I.D. Badges used • Itineraries with employee contact info. • Periodic check-in procedures • After-hours contact procedures • Procedure on how to control/defuse potentially violent situations • Supplied with personal alarm/cellular phone/radio <p>Limit visible clues of carrying money/valuables</p> <p>Partnering arrangements if necessary</p>	

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APPENDIX 2-C: Assessment of Factors

Factors That Might Place Employees at Risk	YES	NO	NA	
Work in public settings-e.g. Health Care, Police Officers, Firefighters, Social Workers				
Work late night or early morning hours.				
Exchange money with the Public				
Work alone or in small numbers				
Work in a location with uncontrolled public access				
Areas of previous security concerns				
Any other factors that might place employees at risk				
Security Guards				
Are security guards present at the location				

Are guards posted at entrance(s)				
Do they patrol the building				
Are they provided with communication? If yes, indicate what type in notes.				
Any other relevant information				

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APPENDIX 3: List of Risks and Mitigation Efforts

Risks Identified thorough Record Review and/or Risk Evaluation	Methods and means by which the risk is being addressed
Identified Risk#	
Identified Risk#	
Identified Risk#	
Identified Risk#	
Identified Risk#	

APPENDIX 4: Workplace Violence Prevention Training Outline

Information and training for all employees

- I. Overview of Requirements of the Workplace Violence Regulations
 - A. Develop a written policy statement- employers must develop a written policy statement about the employer's **Workplace Violence Prevention Program** goals and objectives and provide for full employee participation through an authorized employee representative.
 - B. The policy statement must be posted where notices to employees are normally posted.
 - C. Conduct a risk evaluation, employers must examine their workplace to determine if existing or potential hazards exist, that might place employees at risk of occupational assaults or homicides.
 - D. Develop a **Workplace Violence Prevention Program**
 - employers must develop a program, with input from employees or an authorized employee representative,
 - that, among other things, includes the following
 - risk factors identified through the risk evaluation
 - how the identified risks will be addressed
 - the methods that will be used to try to prevent workplace violence incidents
 - a system to report and record any workplace violence incidents that occur in the workplace
 - a written employee program trainings
 - a plan to review and update the program at least once a year.
 - E. Provide training and information for employees- employers must provide each employee with information and training on the risks of workplace violence in their workplace(s) at least once a year and any time significant changes are made to the Workplace Violence Prevention Program.
 - II. Other policies in place that may be relevant
 - A. Harassment
 - B. Code of Conduct
 - III. Risk factors specific to the workplace that were identified in the risk evaluation
 - A. Measures that employees can take, to protect themselves from the identified risks including specific procedures that the employer has implemented such as:
 1. Incident alert and notification procedures
 2. Appropriate work practices
-

- 3. Emergency procedures
 - 4. Use of security alarms and other devices
 - B. Procedures to report incidents of workplace violence
 - C. Location of the written Workplace Violence Prevention Program and how to obtain a copy
 - IV. Privacy Concerns
 - A. How will sensitive information be handled?
 - B. Information otherwise kept confidential for security reasons does not have to be disclosed to all employees.
 - C. Examples of confidential information include but are not limited to information that would interfere with law enforcement investigations or judicial proceedings, would deprive a person of a right to a fair trial, would identify a confidential source or disclose confidential information relating to a criminal investigation, would reveal criminal investigative techniques or procedures except routine techniques and procedures, or would endanger the life or safety of any person
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APPENDIX 5: Workplace Violence Prevention COMPLAINT FORM

On September 6, 2023, Governor Hochul signed legislation amending the Workplace Violence Prevention Law, which extended coverage to public school districts, BOCES, and charter schools. This legislation also amended the Workplace Violence Prevention regulations found at 12 NYCRR Part 800.6., and is now in effect.

Personal Privacy Cases: Workplace violence incidents involving the following injuries or illnesses should be treated as personal privacy cases and the municipal employer should withhold all information related to these incidents as is legally allowed:

An injury or illness to an intimate body part or the reproductive system:

An injury or illness resulting from sexual assault, mental illness or HIV infection

Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material; and

Other injuries or illnesses, if the employee independently or voluntarily requests that his/her/their name not be entered on the Workplace Violence Incident Report

This section to be completed by Complainant (person submitting this report)

Date of Incident: _____

Time of Incident: _____

Name of Complainant: _____

Relationship to agency: _____

- | | |
|------------------|---------|
| Administrator | Parent |
| Classmate | Teacher |
| Community member | Other |

Employee
(Describe) _____

Contact Information for Complainant:

Address _____

Home Phone: _____

Cell Phone: _____

Name of Alleged Target: _____

Title: _____

Home Phone: _____

Cell Phone: _____

Name of Alleged Offender #1 _____

Title: _____

Home Phone: _____

Cell Phone: _____

Name of Alleged Offender #2 _____

Title: _____

Home Phone: _____

Cell Phone: _____

Name of Alleged Offender #3 _____

Title: _____

Home Phone: _____

Cell Phone: _____

Location _____

Building _____

- | | |
|-----------------|------------------------|
| Bathroom | Gym/Locker Room |
| Cafeteria | Hallway |
| Classroom | Outdoors |
| Conference Room | Off campus job site |
| Office | School Bus |
| Field Trip | Other (describe) _____ |

Name of Witness #1 _____

Title: _____

Home Phone: _____

If injury occurred, nature and extent of injury:

Was medical attention required?:

Name and location of medical facility:

Was a weapon involved?, Describe:

SIGNATURE OF COMPLAINANT: _____

DATE: _____

DELIVERED TO WORKPLACE VIOLENCE COORDINATOR:

Dr. Norah Merritt, Assistant Superintendent for Human Resources
Dutchess BOCES, 5 BOCES Road, Poughkeepsie, NY 12601
Room # 110

845-486-4800 ext. 2278

DATE: _____

INCIDENT NUMBER (to be completed by Coordinator): _____