

Prevention of Workplace Violence Training: April 8, 2024



TULLY
CENTRAL SCHOOL DISTRICT

Prevention of Workplace Violence

Learning Objectives

Participants will:

- Learn the requirements of the Workplace Violence Prevention Act and Department of Labor regulations
- Define workplace violence and understand the different types
- Learn the key elements of Tully CSD workplace violence prevention policy and program.
- Learn where our policy statement is posted and to how to obtain a copy of our workplace violence program
- Learn workplace violence risk factors and prevention efforts
- Learn how to report incidents of workplace violence
 - With employer
 - With Department of Labor

**Workplace Violence
Prevention:
Act and NYS DOL
Regulations**



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Workplace Violence Prevention Act and NYS DOL Regulations

NYS Labor Law Section 27-b, known as the Workplace Violence Prevention Act, was enacted in 2006.

In 2009, NYS Department of Labor (DOL) implemented regulations to accompany the Workplace Violence Prevention Act. These regulations can be found at 12 NYCRR 800.6 and are enforced by the NYS DOL.

Workplace Violence Prevention Act and NYS DOL Regulations

The Act and NYS DOL regulations require public employers to develop and implement a Workplace Violence Prevention Program.

The Tully CSD will:

- Develop a workplace violence policy statement (Done - February 2024)
- Perform a risk evaluation and determine workplace violence risk factors (Done - March 2024)
- Develop a written workplace violence prevention program that: (In progress)
 - Establishes and implements a workplace violence incidents reporting and recording system
 - Implements safeguards and control measures to protect employees from workplace violence
- Provide employees with information and training on workplace violence (Done - April 2024)
- Perform an annual review of the workplace violence incident reports

Workplace Violence Prevention Act: Anti-Retaliation Protections

- The *Tully CSD* cannot take retaliatory action against any employee who exercises their rights under this law
- Retaliatory action is a 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

Workplace Violence: Definitions and Categories



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What is Workplace Violence?

Any physical assault or acts of aggressive behavior occurring where a public employee performs any work-related duty in the course of employment including, but not limited to:

1. Any verbal or physical attempt or threat to cause physical injury on an employee
2. Any intentional display of force giving an employee reason to fear or expect bodily harm
3. Intentional, wrongful, and nonconsensual physical contact that causes injury
4. Stalking an employee with the intent of causing fear of harm to their physical safety and health

Workplace Definition

NYS DOL regulations define a workplace as any permanent or temporary location outside an employee's home where an employee performs any work-related duty in the course of employment.

Some examples include:

- Central office
- Field trip location
- Out-of-office meeting or conference
- Sporting events
- School bus

Categories of Violence

Type 1: Violent acts by criminals, who have no other connection with the workplace, but enter to commit a robbery or another crime

Type 2: Violence directed at employees by customers, clients, patients, students, inmates, or any others for whom an organization provides services

Categories of Violence Con't

Type 3: Violence against coworkers, supervisors or managers by a current or former employee

Type 4: Violence committed in the workplace by someone who has a personal relationship with the employee, such as a boyfriend, girlfriend, spouse, or domestic partner

Why do we care about verbal and physical violence in the workplace?

- Employees have a right to a safe and secure workplace
- Workplace violence can impact employees' physical and mental well-being
- Workplace violence interferes with the mission of the Tully CSD

Workplace Violence Policy Statement



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Workplace Violence Policy Statement

- The Tully CSD must develop a written policy statement on the workplace violence prevention program that describes the goals, objectives, method for incident reporting, and how authorized employee representative(s) (AER) can participate in the workplace violence program.
- An AER could be a union representative, or an employee designated by the employees.
- The policy statement must be displayed where notices to employees are normally posted.

Workplace Violence Policy Statement

Policy 6190

Workplace Violence Prevention Coordinator:
Darcy Woodcock
darcy.woodcock@k12.tullyschools.org
315-696-6204

Workplace Violence Policy Statement Location

Our Workplace Violence Prevention Policy statement is posted in the Policy Manual and on the WCPP section of the district website.



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Calendar



Athletics



Tips



Schooltool



Cafeteria

[Forms/Documents](#)

[Website Login](#)

[Tully Teachers' Assoc](#)

[Academic Eligibility](#)

[Workplace Violence
Prevention Program](#)

Workplace Violence Prevention Program

The District is committed to the safety and security of its employees. Workplace violence presents a serious occupational safety hazard. The goal of this program is to promote the safety and well-being of all people in the workplace. Acts of violence against any employee 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 students, parents, and other visitors; following all applicable documents; and for assisting in maintaining a safe and secure work environment.

The District has designated the following District employee to serve as its Workplace Violence Prevention Coordinator:

Darcy Woodcock
Superintendent

darcy.woodcock@tullyschools.org

315-696-6204

Downloads

[Policy 6190 - Workplace Prevention Policy Statement](#)

[Tully CSD Workplace Violence Incident Report Form](#)

[Tully CSD Workplace Violence Prevention Program](#)

Risk Evaluation and Determination



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Risk Evaluation and Determination

The workplace violence prevention act and the associated regulations require Tully CSD to perform a risk evaluation to determine workplace violence risk factors. It must include:

- Record examination
- Assessment of relevant policies, work practices and work procedures that impact workplace violence
- Evaluation of the physical environment with the participation of authorized employee representative (s)

Risk Evaluation and Determination: Record Examination

The Tully CSD must review workplace violence incidents that occurred in the previous year to identify patterns in the:

- Type and cause of injuries
- Specific areas within the workplace where incidents occur
- Specific workplace practices involved in incidents
- Specific individuals involved in incidents

Risk Evaluation and Determination: Administrative Risk Factors

The Tully CSD must assess related policies, procedures, and work practices that impact risk of workplace violence.

Risk Evaluation and Determination

Evaluation of Physical Environment

The Tully CSD, with participation of the AER, must evaluate all workplace locations to determine what factors place employees at risk of workplace violence.

Factors may include but are not limited to:

- Contact with the public
- Working late night or early morning hours
- Exchanging money with the public
- Working alone or in small numbers
- Uncontrolled public access to the work location

Workplace Violence Prevention Program



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Workplace Violence Prevention Program

The workplace violence prevention act and NYS DOL regulations require the Tully CSD to create a comprehensive written workplace violence prevention program (WVPP), with participation of the AER.

We will solicit input from the AER on situations in the workplace that pose a threat of workplace violence and on the program the district intends to implement.

Workplace Violence Prevention Program

As required by the Act, our workplace violence prevention program includes:

- Risk factors identified in the risk evaluation
- Methods and means to prevent workplace violence and implemented safeguards addressing each identified risk factor
- Hierarchy of control measures which ranks safeguards from most effective to least effective
- Incident reporting system
- Employee training outline or lesson plan
- A plan to review workplace incidents once a year and update our program as needed

Workplace Violence Prevention Program

The Act and NYS DOL regulations do not require information obtained in complying with the law to be disclosed if it must be kept confidential for security reasons including the following:

- Interfere with law enforcement investigations or judicial proceedings
- Deprive a person of a right to a fair trial
- Identify a confidential source or disclose confidential information
- Reveal criminal investigative techniques or procedures
- Endanger the life or safety of any person

Workplace Violence Prevention Program

Our district's written Workplace Violence Prevention Program can be found on the website under staff resources.

Workplace Violence Prevention Program: Risk Factors Identified

The Act and NYS DOL regulations require a list of the risk factors identified in the workplace risk evaluation,

Tully CSD Risk Factors:

- HS Kitchen:
 - back door
- TES:
 - double door lock system at main entrance
- All locations:
 - locked windows
 - locked doors, no propping,
 - late night/early morning work
 - parking lot lighting

Workplace Violence Prevention Program: Methods to Address Specific Risk Factors

The Act and NYS DOL regulations require a method by which the Tully CSD will address each specific risk identified in the workplace risk evaluation

Workplace Violence Prevention Program: Methods to Address Specific Risk Factors

Tully CSD Risk Factors:

- HS Kitchen:
 - back door (call from vendor before opening)
- TES:
 - double door lock system at main entrance (lock inner doors)
- All locations:
 - locked windows (all staff check windows)
 - locked doors, no propping (all staff assist with not propping doors open)
 - late night/early morning work (be attentive and work in pairs when possible)
 - parking lot lighting (in progress)

Workplace Violence Prevention Program: Hierarchy of Controls

NYS DOL regulations require our workplace violence prevention program to adhere to a hierarchy of controls measures or safeguards

The hierarchy, ranked from most to least effective, is:

- Engineering controls
- Work practice controls
- Personal protective equipment

Workplace Violence Prevention Program: Hierarchy of Controls

- Engineering controls
 - physical changes to the workplace
 - » doors locked, windows locked, lighting increased
- Work practice (administrative) controls
 - changes to policies, procedures, work practices
 - » Policy 6190 created
 - » no propping of doors
- Personal protective equipment
 - least effective and used if all else fails
 - body armor, riot gear

Workplace Violence Prevention Program: Incident Reporting System

The Act and NYS DOL regulations require the district to design and implement a system for employee to report any workplace violence incidents that occur that includes:

- Recording process to file an incident report with the Tully CSD and recordkeeping process for incident report records to be maintained
- A process for employees to file complaints with the Department of Labor

Workplace Violence Prevention Program: Reporting Protocol

For workplace locations where there is a developing pattern of incidents that involve criminal conduct or a serious injury, an employer must attempt to develop a protocol with the District Attorney or police to ensure that violent crimes committed against employees are promptly investigated and appropriately prosecuted. If a protocol exists, the employee training must include:

- Information on the protocol
- Contact information for employees that wish to file a criminal complaint after a workplace violence incident

Workplace Violence Prevention Program: Reporting of Workplace Violence Incidents

The Tully CSD must develop and maintain a workplace violence incident report, in any format, that records for each workplace violence incident the following information at minimum:

- Workplace location where incident occurred
- Time of day/shift when incident occurred
- Detailed description of the incident, including events leading up to the incident, and how the incident was resolved
- Names and titles of employee(s) involved
- Name or other identifier of others involved
- Nature and extent of injuries arising from the incident
- Names of witnesses

Workplace Violence Prevention Program: Reporting of Workplace Violence Incidents

Our district's Incident Report Form can be found on the website under staff resources

Workplace Violence Prevention Program: Reporting and Protecting Privacy

For incidents where privacy is a concern, the report will replace the employee's name with "PRIVACY CONCERN CASE". The following incidents are to be treated as privacy concern cases:

- An injury or illness to an intimate body part or the reproductive system
- An injury or illness resulting from a sexual assault
- Mental illness
- 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
- Other injuries or illnesses if the employee independently and voluntarily requests their name not be entered on the report

Workplace Violence Prevention Program: Reporting of Workplace Violence Incidents

- Meet with Darcy and fill in the Incident Reporting Form together

*Workplace Violence Prevention Coordinator:
Darcy Woodcock
darcy.woodcock@k12.tullyschools.org
315-696-6204*

Workplace Violence Prevention Program: Recordkeeping of Workplace Violence Incidents

The workplace violence incident reports must be maintained and reviewed once a year.

The district, with participation from the AER, must conduct a review of the workplace violence incidents report at least once a year to identify trends in the types of workplace violence incidents that have occurred and evaluate how effective actions and safeguards to reduce workplace violence have been.

Workplace Violence Prevention Program: Recordkeeping of Workplace Violence Incidents

WVPP Committee will meet annually to review risk assessment and incidents. All records will be maintained in digital files with the district.

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

According to the Act and NYS DOL regulations, an employee or their AER should notify a supervisor in writing if they believe that:

- A serious violation of the employer's workplace violence prevention program exists **or**
- An imminent danger of workplace violence exists

Once their supervisor is notified, the Tully CSD must be given a reasonable amount of time to correct the activity, policy, or practice causing the violation or danger

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

However, an employee or their AER does **not** have to notify their supervisor in writing in instances where:

- Imminent danger of workplace violence exists **and**
- The employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

An imminent danger is defined by the Act and NYS DOL regulations as:

- Any workplace conditions or practices which could reasonably be expected to cause death or serious physical harm immediately or which could reasonably be expected to lead to the danger of death or serious physical harm which could be eliminated through the enforcement procedures of the workplace violence prevention program before the danger become immediate.

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

A supervisor is defined by the Act and NYS DOL regulations as:

- Any person in an employer's organization who has the authority to direct and control the work performance of an employee, **or**
- Any person who has the authority to take corrective action regarding the violation of a law, rule, or regulation that an employee reported

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

After notifying the employee's supervisor **and**:

- A reasonable time to correct the matter has passed
- The matter has not been resolved
- The employee or their AER believes the serious violation or imminent danger still exists

The employee or their AER may request an inspection by contacting the New York State Department of Labor (NYSDOL)

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

The notices to the NYSDOL Commissioner must:

- Be in writing
- Describe in detail the reason for the notice
- Must be signed by the employee or their AER

The NYSDOL Commissioner will provide a copy of the written notice to the district no later than the time of inspection.

The employee or AER may request that their name(s) be withheld from the district's copy

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

- Employees can report violations to the Public Employee Safety and Health (PESH) bureau at the Department of Labor's Division of Safety and Health directly using the complaint form linked here:
 - <https://dol.ny.gov/safety-and-health>
 - or by calling 1-844-SAFE-NYS.

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

The DOL inspection:

- Will take place at the workplace location where the alleged violation occurred
- Does not have to be limited to the alleged violation
- May include other areas of the location if there is reason to believe that a serious violation exists
- May include other workplace locations of the district if there is reason to believe that a serious violation exists

Workplace Violence Prevention Program: Employee Information and Training

The NYS DOL regulations require a written outline or lesson plan for employee training on workplace violence to be included in the written workplace violence prevention program.

Workplace Violence Prevention Program: Employee Information and Training

The Act and NYS DOL regulations require Tully CSD to provide each employee with information and training on the risks of workplace violence in their workplace locations

Training must occur:

- At the time of the employee's initial assignment
- At least once a year after that
- Whenever significant changes have been made to the district's workplace violence prevention program

Workplace Violence Prevention Program: Employee Information and Training

At a minimum, the training must include:

- The requirements of the Workplace Violence Prevention Regulations
- The risk factors identified in the risk evaluation (with the exception of information kept confidential for security reasons)
- Measures that employees can take to protect themselves from workplace violence
- Specific procedures implemented to protect employees such as:
 - Incident alert and notification procedures
 - Appropriate work practices
 - Emergency procedures
 - Use of security alarms and other devices
- The location of the written workplace violence program

Workplace Violence Prevention Program: Employee Information and Training

Training - today, 4/8/24

Annual training each year following

Workplace Violence Prevention Program: Annual Program Review and Update

The NYS DOL regulations require Tully CSD to plan to review the program once a year and update as needed. A review is also recommended whenever there has been a significant change to the work location (such as renovations), or when a significant violent incident occurs.

The Tully CSD, with participation of the AER, will conduct a review of filed incident reports to identify trends in the types of incidents in the workplace and review the effectiveness of the mitigating actions taken.

Workplace Violence Prevention Resources

- Our workplace violence website provides additional information including FAQs and a fact sheet for employees. It is available here:
- Employees can also contact the PESH bureau to ask questions about violations by calling the PESH bureau's toll-free number at: 1-844-SAFE-NYS.

Workplace Violence Prevention Resources

- NYS DOL Safety and Health Website (<https://dol.ny.gov/workplace-safety>)
- PEF Health and Safety Website (<https://www.pef.org/departments/health-safety/>)
- CSEA Occupational Safety and Health Website (<https://cseany.org/safety>)
- NYSUT
- BOCES
- OSHA (<https://www.osha.gov/>)
- NIOSH (<https://www.cdc.gov/niosh/index.htm>)
- FBI

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Prevention of Workplace Violence

Thank You



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