

Sullivan BOCES Policy Manual

Policy Title: Workplace Violence Prevention Policy Statement

Section: 6000 - Personnel

Adopted: 1/31/2024

Policy #: 6190S

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Revision Dates:

Overview

Sullivan BOCES is committed to the safety and security of its employees. Workplace violence presents a serious occupational safety hazard. The goal of this policy 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 assisting in maintaining a safe and secure work environment.

This policy was developed in consultation with the authorized employee representative(s) and is designed to meet the requirements of New York State Labor Law.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Authorized employee representative" means an employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees according to Article 14 of the Civil Service Law, the Public Employees Fair Employment Act.
- b) "Imminent danger" means any conditions or practices in any place of employment that are such that a danger exists that could reasonably be expected to cause death or serious physical harm immediately or before the imminence of the danger can be eliminated through enforcement procedures.
- c) "Retaliatory action" means 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.
- d) "Serious physical harm" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ or a sexual offense as defined in Penal Law.
- e) "Serious violation" means a serious violation of the public employer workplace violence prevention program is the failure to:
 1. Develop and implement a program;
 2. Address situations that could result in serious physical harm.
- f) "Supervisor" means any person within Sullivan BOCES who has the authority to direct and control the work performance of an employee or who has the authority to take

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corrective action regarding the violation of a law, rule, or regulation to which an employee submits written notice.

- g) "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of their employment by Sullivan BOCES.

What is Workplace Violence

Workplace violence is any physical assault or acts of aggressive behavior occurring where an employee performs any work-related duty in the course of their employment including, but not limited to:

- a) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- b) Any intentional display of force that would give an employee reason to fear or expect bodily harm;
- c) Intentional and wrongful physical contact with an employee without their consent that entails some injury;
- d) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.

Workplace violence may be committed by:

- a) Other employees;
- b) Former employees;
- c) Students;
- d) Parents;
- e) Visitors;
- f) Individuals who have no connection to the workplace, but enter to commit a robbery or other crime; or
- g) An individual who has a personal relationship with an employee.

Prohibited Conduct

Sullivan BOCES prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace.

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Workplace Violence Prevention Advisory Committee

Sullivan BOCES will establish a Workplace Violence Prevention Advisory Committee that will meet periodically throughout the year. The purpose of the Workplace Violence Prevention Advisory Committee is to assist Sullivan BOCES in coordinating its efforts to comply with its responsibilities related to workplace violence prevention, including overseeing the development and maintenance of Sullivan BOCES's Workplace Violence Prevention Program (WVPP).

The Workplace Violence Prevention Advisory Committee will include:

- a) The Workplace Violence Prevention Coordinator;
- b) All authorized employee representatives;
- c) The Chief Emergency Officer.

It may also include one or more representatives from the following groups:

- a) District-wide school safety team;
- b) The building-level emergency response team(s);
- c) District/building administrators;
- d) Teachers, including at least one special education teacher; and
- e) Other District staff.

Workplace Violence Prevention Coordinator and Advisor roles

The Workplace Violence Prevention Coordinator is responsible for answering employee questions about this policy and related materials, as well as receiving workplace violence incident reports. The Workplace Violence Prevention Coordinator for Sullivan BOCES is:

Jennifer DeFrank
Executive Director of Human Resources
jennifer.defrank@scboces.org
845-295-4057

The Workplace Violence Prevention Advisor convenes and coordinates the activities and plans of the Workplace Violence Prevention Advisory Committee. The Workplace Violence Prevention Advisor for Sullivan BOCES is:

Robert M. Dufour, Ed. D
District Superintendent & CEO
robert.dufour@scboces.org
845-295-4015

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Authorized Employee Representatives

Authorized employee representatives will participate on the Workplace Violence Prevention Advisory Committee. Other responsibilities of the authorized employee representatives include, but are not limited to:

- a) Participating in the development and implementation of this policy.
- b) Evaluating the physical environment.
- c) Developing the WVPP.
- d) Review workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any.
- e) Reviewing the effectiveness of the mitigating actions taken.
- f) Reporting violations of Sullivan BOCES's WVPP.

Reporting Workplace Violence

Sullivan BOCES has established and implemented a reporting system for incidents of workplace violence. If there is a developing pattern of workplace violence incidents that may involve criminal conduct or a serious injury, Sullivan BOCES will attempt to develop a protocol with Sullivan BOCES Attorney or police to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. Sullivan BOCES will provide information on these protocols and contact information to employees who wish to file a criminal complaint after a workplace violence incident.

All employees and authorized employee representatives are responsible for providing written notice to a supervisor or Workplace Violence Prevention Coordinator of any violent incidents, or threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. Reports of workplace violence must be made in writing. All reports must be immediately forwarded to the Workplace Violence Prevention Coordinator.

Written notice is not required where imminent danger exists to the safety of a specific employee and the employee reasonably believes in good faith that reporting to a supervisor or the Workplace Violence Prevention Coordinator would not result in corrective action.

After Sullivan BOCES receives notice, Sullivan BOCES will be afforded a reasonable opportunity to correct the activity, policy, or practice. Sullivan BOCES will immediately respond to all reported incidents of violence or threatening behavior upon notification.

In addition to complying with the reporting requirements in this policy, District employees must comply with all other applicable reporting requirements contained in any District policy, regulation, procedure, collective bargaining agreement, or other document such as Sullivan BOCES's *Code of Conduct*.

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Inspections by the Commissioner of Labor

At the request of an Employee or Authorized Employee Representative

If Sullivan BOCES has been given notice and opportunity to resolve the activity, policy, or practice and the employee or authorized employee representative still believes that a serious violation of the WVPP remains, or that an imminent danger exists, the employee or authorized employee representative may request an inspection by notifying the Commissioner of Labor of the alleged violation or danger. The notice and request will be in writing, describing with reasonable particularity the grounds for the notice, and be signed by the employee or authorized employee representative. A copy of the written notice will be provided by the Commissioner of Labor to Sullivan BOCES or the person in charge no later than the time of inspection, except that on the request of the person giving the notice, the person's name and the names of individual employees or authorized employee representative will be withheld.

A District representative and an authorized employee representative will be given the opportunity to accompany the Commissioner of Labor during an inspection for the purpose of aiding the inspection. Where there is no authorized employee representative, the Commissioner of Labor will consult with a reasonable number of employees concerning matters of safety in the workplace.

The authority of the Commissioner of Labor to inspect a premises pursuant to an employee complaint will not be limited to the alleged violation contained in the complaint. The Commissioner of Labor may inspect any other area of the premises in which they have reason to believe that a serious violation of the workplace violence prevention law exists.

Initiated by the Commissioner of Labor

The Commissioner of Labor may inspect any premises occupied by Sullivan BOCES if they have reason to believe that a violation of the workplace violence prevention law has occurred. The current Public Employee Safety and Health (PEOSH) administrative plan will be used for the enforcement of the workplace violence prevention law, including a general schedule of inspection, which provides a rational administrative basis for the inspection.

Workplace Risk Evaluation and Developing a Workplace Violence Prevention Program (WVPP)

Sullivan BOCES will engage in a process of workplace evaluation designed to identify the risks of workplace violence to which employees could be exposed.

Sullivan BOCES will then develop and implement a written WVPP to prevent, minimize, and respond to any workplace violence. The Workplace Violence Advisory Committee, which includes all authorized employee representatives, will oversee and participate in the development of the WVPP. During the development process, the authorized employee representative(s) will provide input on those situations in the workplace that pose a threat of workplace violence.

The WVPP will include the following:

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- a) A list of the risk factors identified in the workplace evaluation.
- b) The methods Sullivan BOCES will use to prevent incidents of workplace violence. Examples include, but are not limited to:
 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; and
 6. Establishing and implementing reporting systems for incidents of aggressive behavior.
- c) A hierarchy of controls to which the program will adhere as follows: engineering controls, work practice controls, and personal protective equipment (PPE).
- d) The methods and means by which Sullivan BOCES will address each specific hazard identified in the workplace evaluation.
- e) A system designed and implemented by Sullivan BOCES to report any workplace violence incidents that occur in the workplace. The reports must be in writing and maintained for the annual program review.
- f) A written outline or lesson plan for employee program training.
- g) A plan for program review and update on at least an annual basis. This review and update will detail any mitigating steps taken in response to any incident of workplace violence.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

Sullivan BOCES will not take retaliatory action against any employee because the employee exercises any right accorded to them under this policy.

Training

At the time of hire and annually thereafter, all employees will participate in Sullivan BOCES's workplace violence prevention training program.

Notification

This policy will be posted where notices to employees are typically posted. Sullivan BOCES will make its WVPP available to employees, authorized employee representatives, and the Commissioner of Labor upon request and in the work area.

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Whenever significant changes are made to the WVPP, Sullivan BOCES will provide relevant information to affected employees.

Labor Law Section 27-b
12 NYCRR Section 800.6

NOTE: Refer also to Policies

- #3410 -- Code of Conduct
- #3411 -- Prohibition of Weapons on School Grounds
- #3412 -- Threats of Violence in School
- #3420 -- Non-Discrimination and Anti-Harassment in Sullivan BOCES
- #3421 -- Title IX and Sex Discrimination
- #5681 -- School Safety Plans
- #5684 -- Use of Surveillance Cameras in Sullivan BOCES School Buses
- #5690 -- Exposure Control Program
- #6121 -- Sexual Harassment in the Workplace
- #6122 -- Employee Grievances
- #7350 -- Timeout and Physical Restraint
- #7360 -- Weapons in School and the Gun-Free Schools Act