

6123	WORKPLACE VIOLENCE PREVENTION POLICY
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I. Policy Statement

New York State Labor Law § 27-b is intended to ensure the risk and threats of occupational assaults and/or homicides is evaluated by public employers and employees, and workplace violence prevention programs are designed and implemented to prevent and minimize the hazards and threats of workplace violence to public employees.

The Board of Education is committed to compliance with NYS Labor Law § 27-B and to the safety and security of the employees of the Ballston Spa Central School District. The goal of this policy is to promote the safety and well-being of all District employees.

There shall be zero tolerance for violent, threatening, harassing, or intimidating behavior in the District. Acts or threats of Workplace Violence against any employee where any work-related duty is performed will be investigated and appropriate action will be taken.

All employees are responsible for complying with this policy and the associated Workplace Violence Prevention Program developed by the District. Any employee engaging in any type of workplace violence shall be subject to appropriate disciplinary action, up to and including termination of employment.

This policy is designed to meet the requirements of New York State Labor Law and shall not negate the requirement to follow all other existing laws, regulations, policies, and applicable collective bargaining agreements to which the District is a party.

II. Applicability & Posting

This policy is applicable to every school district building as well as any location away from an employee's home, permanent or temporary, where an employee performs work-related duty/duties.

This policy shall be posted where all other notices to employees are normally posted.

III. Definitions

For the purposes of this policy, the following definitions, as set forth in Labor Law 27-b and accompanying regulations shall apply including:

- a. Authorized Employee Representative: An employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to Article 14 of the Civil Service Law.
- b. District: The Ballston Spa Central School District.
- c. Employee: A public employee working for the District.

6123	WORKPLACE VIOLENCE PREVENTION POLICY
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- d. 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.
- e. Imminent Danger: Any condition(s) or practice(s) in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided for through implementation of the law and this Policy.
- f. Serious Physical Harm: 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 New York State Penal Law Article 130.
- g. Supervisor: Any person within the District 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.
- h. Workplace: 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 the District.
- i. Work Site: The general work location to which an employee is assigned to work, e.g., elementary school, middle school, District office, or off-school site location such as Transportation Garage or school bus.
- j. Workplace Violence: Any physical assault or acts 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: (a) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; (b) Any intentional display of force which would give an employee reason to fear or expect bodily harm; (c) Intentional and wrongful physical contact with a person without his or her 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 such employee when such stalking has arisen through and in the course of employment..

IV. Policy Objectives

- a. Workplace Violence Prevention Committee
 - i. The District shall establish a Workplace Violence Prevention Committee which will meet periodically throughout the year. The Committee will assist coordinating efforts to comply with the responsibilities related to workplace

6123	WORKPLACE VIOLENCE PREVENTION POLICY
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violence prevention, including overseeing the development and maintenance of the District's Workplace Violence Prevention Program (WVPP).

- ii. The Committee shall consist of authorized employee representatives and District personnel.
- b. Workplace Violence Prevention Coordinator
 - i. The District shall designate a Workplace Violence Prevention Coordinator.
 - ii. The Coordinator shall convene and coordinate the activities and plans of the Committee and is responsible for answering employee questions about this policy and related materials.
 - iii. The Coordinator shall also be responsible for receiving workplace violence incident reports, either directly from an employee, or from the Supervisor of an employee.
- c. Risk Evaluation and Determination
 - i. The Committee shall evaluate each work site to determine the presence of factors which may place employees at risk of workplace violence (e.g. late night, public settings, working in small numbers; uncontrolled access to workplace).
 - ii. The risk evaluation and determination shall also include review of records of occupational injuries or complaints over the past several years which concern workplace violence.
 - iii. Hazard Prevention and Control: The data obtained from the risk assessment must inform identification of control measures (e.g. engineering controls, staffing controls, administrative or work practice controls) intended to prevent or reduce workplace violence.
- d. Written Workplace Violence Prevention Program
 - i. Upon completion of the Risk Assessment and the identification of control measures, a written WVPP shall be developed and implemented by the Committee to prevent, minimize, and respond to any workplace violence.
 - ii. The WVPP shall include:
 - 1. A statement on the goals and objectives of the Program;
 - 2. A description of the risk assessment and evaluation process and a list of risk factors identified after evaluating the workplace;

6123	WORKPLACE VIOLENCE PREVENTION POLICY
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3. Control methods available at the work site to prevent the risk of workplace violence, which should be specific to different locations based on risk assessment;
 4. A copy of the policy statement;
 5. A description of the assistance available to affected staff;
 6. A description of how workplace violence events are reported and how the data is maintained and analyzed; and
 7. A description of training programs provided to employees which address workplace violence.
- e. Training
- i. At the time of hire or placement at a new work site and annually thereafter, all employees will participate in the District's Workplace Violence Prevention Training Program.
 - ii. Such training shall inform employees of the requirements of the Act, risk factors identified in the Risk Evaluation and Determination, measures employees can take to protect themselves from risks, including specific procedures implemented by the District to protect employees and the details of the written Program developed by the District.
- f. Reporting and Recordkeeping
- i. The District shall establish a reporting system to be implemented at all work sites in the District for reporting workplace violence.
 - ii. Such system shall include a Workplace Violence Incident Report
 - iii. Workplace Violence Incident Report shall be reported and responded to in accordance with law.
 - iv. The District shall not take retaliatory action against any employee because the employee exercises his or her rights under Section 27-b of the Labor Law.
 - v. Records shall be maintained for the annual program review.

*Cross ref.: Labor Law Section 27-b
12 NYCRR Section 800.6*

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