

Sullivan BOCES

Workplace Violence Prevention Program

Program review

Name and Title of Management and authorized employee representatives	DATE
Robert Dufour, District Superintendent	5/6/2024
Jeffery Molusky, Executive Principal	5/6/2024
Nikki Grant, Assistant Principal	5/6/2024
Kathleen Wilcox, Assistant Principal	5/6/2024
Debra Charlton, SCBTA President	5/6/2024
Susanne Yupanqui, CSEA President	5/6/2024
Gary Bowers, Assistant Health & Safety Coordinator	5/6/2024

Access to this program:

The most current version of this plan will be made available to employees, their authorized representatives, and to representatives of the NYS Department of Labor by contacting:

Name: Jean Hewlett

Title: Executive Assistant to the District Superintendent and Board Clerk

Department: Administration

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Introduction:

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 their employment including but not limited to:

1. An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
2. Any intentional display of force that would give an employee reason to fear or expect bodily harm;
3. Intentional and wrongful physical contact with a person without his or her consent that entails some injury;
4. 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.

What is the New York State Workplace Violence Prevention Law and Regulation?

On June 7, 2006, New York State enacted legislation creating a new Section 27-b of State Labor Law that requires every public employer to evaluate the risk of workplace assaults and homicides at its workplace(s) and to develop and implement programs to prevent and minimize the hazard of workplace violence to public employees. In 2009, the NYS Department of Labor (DOL) implemented regulations to accompany the Workplace Violence Prevention Law. These regulations can be found at 12 NYCRR 800.6 and are enforced by NYSDOL. Effective January 4, 2024, all public schools previously exempted under Section 2801 of the Education Law must comply with 12 NYCRR Part 800.6.

Purpose of this program:

The purpose of this Workplace Violence Prevention Program is to provide information to managers, supervisors, employees, and authorized employee representatives about preventing and responding to incidents of workplace violence or threats of violence per the Workplace Violence Prevention Law and Regulation.

The goal of this program is to reduce the probability of threats or acts of violence in the workplace and to ensure that any incident, complaint, or report of violence is taken seriously and dealt with appropriately and as expeditiously as possible. This program outlines the major components of our effort to meet these goals. At the core of this Workplace Violence Prevention Program is Sullivan BOCES commitment to work with its employees to maintain a work environment free from violence and other disruptive behavior to the greatest degree possible.

Policy Statement

A policy statement that indicates the Sullivan BOCES workplace violence prevention policy, goals and objectives; incident alert and notification policies; and provides for full employee participation through an authorized employee representative has been developed, implemented, and posted where notices to employees are normally posted. The policy statement is included in **Appendix 1**.

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Workplace Risk Assessment

Sullivan BOCES has conducted a workplace risk assessment consisting of:

- 1) Examination of records that concern workplace violence incidents,
- 2) Assessment of policies, practices, and procedures that may impact the risk of workplace violence, and
- 3) Evaluation of the physical work environment for the presence of factors that may place employees at risk of workplace violence, with the participation of authorized employee representatives. Although workplace violence can occur in any work setting, some settings or factors may pose a greater degree of risk. Employment situations or factors that may pose a higher risk for Sullivan BOCES employees include, but are not limited to, the following:
 - Working in public settings
 - Working late night or early morning hours
 - Exchanging money with the public
 - Working alone or in small numbers
 - Working in a setting with uncontrolled access to the workplace
 - Working in a setting where previous security problems have occurred:
 - Having a mobile workplace assignment
 - Working with a population that might expose one to potentially violent persons (e.g. in health care, social service, public service, or criminal justice settings)
 - Having duties that include the delivery of passengers, goods, or services

Risk factors identified during the examination, assessment, and evaluation are listed in **Appendix 2**, along with the methods and means by which each risk is being addressed. The employer is responsible for addressing all risk factors that their employees are potentially exposed to.

Any incidents that may occur after the implementation of this program must be carefully documented and analyzed in order to make improvements to this program during the required annual review or as necessary.

Control methods that Sullivan BOCES will use to prevent workplace violence incidents

Hierarchy of Controls

There are three main types of control measures that may be implemented as part of a safety program to protect employees from recognized hazards. The following types of controls are arranged in order of preference and effectiveness - this is referred to as the "hierarchy of control measures".

Engineering controls eliminate or reduce the hazard through substitution or design. Examples include:

- Increased lighting
- Designing secure building access
- Security Hardware
- Eliminating isolated work areas
- Eliminating excessive "cash on hand" or installing drop safes

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Administrative controls eliminate or reduce hazards through organizational policies, procedures, and work practices.

Examples include:

- Increased staffing
- Employment of security personnel
- Developing building access control procedures
- Cross-shift communication to share information regarding agitated clients or students
- Providing information on criminal history and violence information on clients, inmates, customers
- Reduction of customer wait times
- Provision of personal alarms
- Provision of cell phones for field workers
- Training

Personal Protective Equipment (PPE)

(PPE is generally considered the least desirable form of control, but may be needed to enhance other controls and/or minimize potential injury severity when other controls fail)

Examples include:

- Ballistic or stab-resistant body armor
- Riot gear including protective helmets and shields
- Eye and face protection

Prevention

Prevention of violence in the workplace is the responsibility of every employee. The following section focuses on early warning signs and workplace issues that have the potential to trigger violent behavior. Management, employees, and authorized employee representatives should be familiar with the issues below in order to become aware of and reduce the likelihood of workplace violence.

Early warning signs of potential violence:

There is no single “profile” that can identify a potentially dangerous individual. However, certain patterns of behavior and events frequently precede episodes of violence.

A list of indicators of increased risk of violent behavior includes, but is not limited to the following:

- Direct or veiled threats of harm
- Intimidation, belligerence, bullying, or other inappropriate behavior directed at others
- Numerous conflicts with supervisors and employees; verbal comments indicating expressions of hostility directed at coworkers, supervisors, or others
- Bringing an unauthorized weapon to work, brandishing a weapon in the workplace, making inappropriate reference to guns, or fascination with weapons

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- Fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides
- Statements indicating an increased tone of desperation from the person, feeling that normal interventions to solve the problem will not work, feeling hopeless about a situation at work, with family, financial, and other personal problems
- Signs of abuse of drugs/alcohol on or off the job
- Extreme or uncharacteristic changes in behavior or displays of emotion
- Employees with ongoing domestic difficulties
- Employees with a temporary order of protection against any Respondent

These behaviors should be reported to an employee's supervisor and/or the administrator of this program. Some behaviors may require immediate law enforcement intervention whereas others may require disciplinary action or indicate a need for an Employee Assistance Program (EAP) referral.

Workplace issues that may trigger violence:

Listed below are two categories of common issues that may trigger workplace violence.

1. Employee issues

- Negative performance review
- Unwelcome change in role due to performance or reorganization issue
- Criticism of performance
- Conflict with coworker or supervisor
- Personal stress outside the workplace
- Increased workload or pressure, e.g. deadlines, projects, etc.

2. Workplace issues (any of the following may be an employee's perception of issues)

- No clearly defined rules of conduct
- Lack of training
- Inadequate hiring practices/screening of potential employees
- Insufficient supervision
- Lack of discipline or inconsistent discipline in the workplace
- Lack of or inadequate employee support systems
- Failure to address incidents as they occur
- Overly authoritarian management style

Taking this into account, there are three key elements that may help to prevent a violent situation from occurring:

1. Recognizing the early warning signs (such as a change in a person's behavior preceding an episode of violence)

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2. Recognizing issues or events that may trigger violence
3. Early intervention to prevent a violent incident from occurring

Please note: It is important to be careful when drawing assumptions or relying solely on any of the above behaviors as indicators of violence.

Reporting an incident

At the core of this Workplace Violence Prevention Program is Sullivan BOCES's commitment to working with its employees to maintain a work environment free from violence and other disruptive behavior to the greatest degree possible.

Any Sullivan BOCES employee, upon becoming aware of an instance of physical assault, threatening behavior, or verbal abuse occurring in the work setting must immediately report the facts and circumstances of said incident to their supervisor and/or to the contact person identified in the Policy Statement. If employees observe or experience an incident of violence involving an employee or visitor to a Sullivan BOCES workplace in which there is an immediate threat to their safety or the safety of others or where an injury has occurred, the employee will immediately obtain law enforcement and medical assistance by calling 911 and in addition notify their immediate supervisor. The supervisor will immediately conduct a preliminary inquiry into the facts and circumstances of the incident and make a prompt report to the Executive Director of Human Resources, Jennifer DeFrank using the Incident Report in **Appendix 3**.

Where a developing pattern of workplace violence incidents that may involve criminal conduct or serious injury exists, the Sullivan BOCES will attempt to develop a protocol with the District Attorney or Police to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted.

Retaliation against an employee who makes a good faith report of violence or other disruptive behavior is strictly prohibited and shall be subject to appropriate corrective or disciplinary measures. An employee who, in bad faith makes a false report, is also subject to disciplinary action.

Post-Incident Response

- Assure that injured employees receive prompt and appropriate medical care (This includes but is not limited to, providing transportation of the injured to medical care. Prompt first aid and emergency medical treatment can minimize the harmful consequences of a violent incident.)
- Report the incident to the appropriate authorities as required by applicable laws and regulations
- Inform management about the incident in writing
- Secure the premises to safeguard evidence and reduce distractions during the post-incident response process
- Prepare an incident report immediately after the incident, noting details that might be forgotten over time
- Address the need for appropriate treatment for victimized employees (In addition to physical injuries, victims and witnesses may suffer psychological trauma, fear of returning to work,

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feelings of incompetence, guilt, powerlessness, and fear of criticism by supervisors or managers.)

- Any reported workplace violence incident will be thoroughly investigated. (Also see Program Review section below).

In the event that critical incident management or crisis counseling is needed following a workplace violence incident in a Sullivan BOCES workplace, arrangements will be made through management, employee unions, or the Executive Director of Human Resources. Note - This is not a requirement of the law or regulation.

Employee Information and Training Outline

Training of every employee will be performed upon initial assignment and annually thereafter. Retraining is required any time there is a significant change to the program, a risk factor, or work control.

Recordkeeping Requirements

The record-keeping requirements outlined in 12 NYCRR Part 801, Recording and reporting Public Employees' Occupational Injuries and Illnesses, must be used to document recordable injuries sustained during workplace violence incidents.

In addition to Part 801, all incidents will be investigated and documented to ensure that all threats and workplace violence incidents are reported to management. These reports will provide written notification when a violent incident occurs so that management can develop an appropriate response. The Incident Report will also create a historical record that can be used in the annual review and program update.

Program Review

The District Superintendent, along with an Authorized Employee Representative, shall evaluate the effectiveness of this Workplace Violence Prevention Program, at least annually or after any serious incident. The review will focus on incident trends, addressing root causes, and the effectiveness of the control measures in place or the need to make changes. The review will also assess whether the reporting and record-keeping systems have been effective in collecting all relevant information. The cover sheet of this program will be updated with the names and titles of those who perform the review and the date of completion.

Following the submission of a written notice of concern regarding the employer's workplace violence program or that an imminent danger exists, the employer must be afforded a reasonable opportunity to address the reported concern. If the employee or authorized employee representative believes that the reported concern has not been resolved and a serious violation of the Sullivan BOCES workplace violence prevention program still exists, the employee or authorized employee representative may request an inspection by notifying the Commissioner of Labor.

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Regional Partnership Collaboration

Sullivan BOCES will embark on a collaborative effort with the Mid-Hudson Regional Partnership Center to review current behavioral intervention practices and explore new and innovative approaches to supporting staff interventions and student behavioral needs. This review will include but is not limited to, a thorough evaluation of current behavioral intervention data, processes, and procedures, inclusive of physical intervention. This will include observation of various aspects of the educational environment. Additionally, work will focus on professional development sessions over the duration, including embedded coaching to further build capacity. A key goal of this work will be to develop, design, and implement effective and sustainable change that benefits the Sullivan BOCES school community.

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APPENDIX 1

Workplace Violence Prevention Policy Statement

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

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 Sullivan BOCES employees where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures, and practices, and assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and 12 NYCRR 800.6 and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was 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:

- evaluating the physical environment;
- developing the Workplace Violence Prevention Program and;
- 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 policy 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, or threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person:

Designated Contact Person: Jennifer DeFrank

Title: Executive Director of Human Resources

Phone: 845-295-4057

E-mail: jennifer.defrank@scboces.org

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APPENDIX 2

Risks identified in our hazard assessment, and corresponding control methods to reduce those risks, are shown in the tables below for each of our facilities:

RPEC - Identified Risk	Selected Control(s)	Comments
Student Violence	Admin Controls	Training
Parents in a volatile state	Admin Controls	
Limited Staff after 4:30 - No Security after-hours	Admin Controls	
E-Wing accesses	Admin Controls	
Supervision during meal times 11:30 to 12:00	Admin Controls	
Staff in a volatile state	Admin Controls	
Domestic Violence concerns - roll over to the workplace	Admin Controls	

Items Identified as issues but are not a "Risk of Violence"

G-Mod no lighting	Engineering Controls	
Paving - potholes	Engineering Controls	
Ice issues - drainage	Engineering Controls	
Signage - campus-wide	Engineering Controls	
CTE student drivers	Admin Controls	
Traffic Control	Admin Controls	
Sidewalks	Engineering Controls	
Exterior strobe lights (emergency lights)	Engineering Controls	
Forgotten Badge - single point of entry	Admin Controls	
Deliveries - traffic controls	Admin Controls	
No school zone signage on main road	Engineering Controls	
No posted speed limit sign in the parking lot	Engineering Controls	
Bathrooms need to be 'swept' regularly	Admin Controls	
Handicapped spot in G-mod water issues (Muddy/Icey)	Engineering Controls	
Playground surface is dangerous for those with mobility concerns	Engineering Controls	
The main entrance does not have a posted sign	Admin Controls	
No Security in F-Building & Doors propped open, large window in the front door	Admin Controls	
Lack of Metal Detectors	Engineering Controls	
Front exterior doors need to be 'lockable'	Engineering Controls	
Empty Classrooms in the F building left unlocked	Admin Controls	

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Off-Campus Sites

SUNY Sullivan - Identified Risk	Selected Control(s)	Comments
Lack of security staff during school hours (1 Peace officer)	Admin Controls	
Open Campus (no manned interior access control system)	Admin Controls	
College/CTE students in a volatile state	Admin Controls	
College/CTE staff in a volatile state	Admin Controls	
Domestic Violence concerns - roll over to the workplace	Admin Controls	
No metal detectors		

Items Identified as issues but are not a "Risk of Violence"

No nurse on campus	Admin Controls	
No radio communication with the main campus	Engineering Controls	

Garnet Health - Identified Risk	Selected Control(s)	Comments
Staff and patients can access the interior door through the ICU unit	Engineering Controls	
Hospital/CTE staff in a volatile state	Admin Controls	
Students in a volatile state	Admin Controls	
Mental Health Unit	Admin Controls	
Anticipated Drug Rehab Unit	Admin Controls	
Non-locking interior classroom doors	Engineering Controls	
See-through glass walls increase visibility	Engineering Controls	
Remote parking/long walk to the building	Engineering Controls	
Code Gray-Violent Patient or Visitor	Engineering Controls	
No metal detectors	Engineering Controls	

Items Identified as issues but are not a "Risk of Violence"

No nurse on campus	Admin Controls	
Icy sidewalks and not always well-maintained	Engineering Controls	
Ventilation and temperature control is an issue in the classrooms.	Engineering Controls	

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Sullivan Training Center- Identified Risk	Selected Control(s)	Comments
Lack of security officer	Admin Controls	
Student violence	Admin Controls	
County/CTE staff in a volatile state	Admin Controls	
No metal detectors	Engineering Controls	
Domestic Violence concerns - roll over to the workplace	Admin Controls	

Items Identified as issues but are not a "Risk of Violence"

Remote location	Admin Controls	
No radio communication to the main campus	Engineering Controls	

Offices and Conference Center - Identified Risk	Selected Control(s)	Comments
Parents in a volatile state	Admin Controls	
Staff in a volatile state	Admin Controls	
Limited staff after-hours	Admin Controls	
Domestic Violence concerns - roll over to the workplace	Admin Controls	
Proximity to welfare hotel/housing	Admin Controls	

Items Identified as issues but are not a "Risk of Violence"

Ice issues	Engineering Controls	
No posted speed limit sign in the parking lot	Engineering Controls	
Sidewalks	Engineering Controls	
Exterior Parking Lot lights	Engineering Controls	
Forgotten Badge - single point of entry	Admin Controls	
Deliveries	Admin Controls	

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APPENDIX 3

Workplace Violence Incident Report

Date of Incident: _____ Time of day when the incident occurred: _____

District location where the incident occurred: _____

Name of employee reporting the incident (unless a "privacy concern case"); _____

Names and job titles of involved employees: _____

Names – or other identifiers – of others involved, if any: _____

Nature and extent of injuries arising from the incident: _____

Names of witnesses: _____

Provide a detailed description of the incident below, including the events leading up to the incident and how the incident ended:

Date Report Submitted

Signature (unless privacy concern)

Print Name (unless privacy concern)

Note: If the case is a 'privacy concern case,' remove the name of the employee who was the victim of the workplace violence and enter "**PRIVACY CONCERN CASE**" in the space normally used for the employee's name. Privacy concern cases include cases involving:

- Injury or illness to an intimate body part or the reproductive system;
- 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; and
- Other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the report.