

North Merrick School District
Workplace Violence Prevention Program

WORKPLACE VIOLENCE PREVENTION PROGRAM

North Merrick Union Free School District

Abstract

The goal of this program is to reduce the risk of workplace violence to employees and to ensure that any incident, complaint, or report of violence is taken seriously and dealt with appropriately and as expeditiously as possible.

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Program Review

Once a year the Assistant Superintendent of Curriculum, Instruction, and Personnel, with the participation of an authorized employee representative, will review the workplace violence prevention program. The sign off sheet below indicates who conducted the review and the date it occurred.

Name and Title of Management and authorized employee representative (where applicable)	DATE
Samuel Carder, Director of Facilities	
Kate Caporusso, Assistant Superintendent	
Howard Merims, NMSA President	
Babette Nicosia, CSEA President	
Mickey Solan, NMAP President	
Suzanne Winkel, NMFA President	

Access to this program:

To obtain a copy of this plan please contact:

Office of Curriculum, Instruction, and Personnel
Assistant Superintendent
1057 Merrick Avenue, North Merrick, NY 11566
(516) 292-1813

North Merrick Union Free School District Workplace Violence Prevention Program

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North Merrick Union Free School District Workplace Violence Prevention Program

Introduction

What is Workplace Violence?

Workplace violence is defined as any physical assault or act of aggressive behavior that occurs where a public employee performs any work-related duty in the course of their employment. This includes but is 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 which 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 to cause fear of harm to the employee's physical safety and health 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, NYS Department of Labor (DOL) implemented regulations to accompany the Workplace Violence Prevention Law. These regulations are enforced by NYSDOL and can be found¹ at: <https://dol.ny.gov/system/files/documents/2021/03/workplace-violence-prevention-regulations.pdf>. Effective January 4, 2024, all public school districts, New York City public schools, Boards of Cooperative Education Services (BOCES) and County Vocational Education & extension Boards are covered by this law.

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 in accordance with the Workplace Violence Prevention Law and Regulation.

The goal of this program is to reduce the risk of workplace violence to employees 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 the North Merrick School District's commitment to work with its employees to maintain a work environment free from violence and other threatening behavior to the greatest degree possible.

Policy Statement

North Merrick School District has developed and implemented a policy statement which describes the goals and objectives of our workplace violence prevention policy, the incident alert and notification policies employees should follow in the event of workplace violence, and describes how employees are

¹ Regulations can also be found in Title 12 of the New York Codes, Rules, and Regulations, Section 800.6

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able to participate in the implementation of our workplace violence prevention program through an authorized employee representative.

The policy statement is BOE Policy 4130, Workplace Violence Prevention, and can be found on our website and is linked [here](#).

The policy statement is included in **Attachment 1**.

Workplace Risk Evaluation

North Merrick School District has conducted a workplace risk evaluation consisting of:

A record examination: The Assistant Superintendent for Curriculum, Instruction, and Personnel examined all records of workplace violence incidents in the past year to identify patterns in the type and cause of incidents; areas of the workplace where incidents occur; incidents that involve specific workplace operations; or incidents which involve specific individuals.

An assessment of administrative risk factors: All relevant policies, practices, and procedures that may impact the risk of workplace violence have been reviewed.

An evaluation of the physical environment: The physical work environment has been evaluated by our Director of Facilities for factors which 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 North Merrick 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 which might expose one to potentially violent persons
- Having duties that include the delivery of passengers, goods, or services

Risk factors identified during the examination, assessment and evaluation are listed in **Attachment 2**, along with the methods and means by which each risk is being addressed by North Merrick School District. As your employer, North Merrick School District is responsible for addressing all risk factors that our 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.

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Workplace Violence Control Measures and Prevention

Hierarchy of Controls

A hierarchy of controls is a safety professional term referring to a ranking of the safeguards that an employer can use to protect employees from harm in order of preference and effectiveness. There are three main types of safeguards, or control measures, that an employer can implement to protect employees from recognized workplace violence risk factors. Engineering controls are considered the most effective, followed by work practice controls, and then personal protective equipment.

Engineering controls eliminate or reduce the risk of workplace violence through physical changes to the workplace.

Examples of engineering controls include:

- Increasing lighting in remote areas
- Designing secure building access
- Installing security hardware
- Eliminating isolated work areas

Work practice controls eliminate or reduce the risk of workplace violence through changes to organizational policies, procedures, and work practices.

Examples of work practice controls include:

- Increased staffing
- Employment of security personnel
- Implementing building access control procedures, for example, requiring badges to enter
- Instituting communication procedures personnel to share information regarding agitated clients or students
- Providing cell phones to employees in the field
- Training employees on de-escalation and how to recognize precursors to violence

Personal Protective Equipment (PPE) is generally considered the least effective control measure but may be needed to enhance other control measures or minimize potential injury severity when other control measures fail.

Workplace Violence Prevention

Prevention of violence in the workplace is the responsibility of North Merrick School District and everyone has a role to play in keeping the workplace safe from violence. The following section focuses on early warning signs of violent behavior and workplace issues that have the potential to trigger violent behavior. Management, employees, and authorized representatives should be familiar with the signs and issues described below to intervene early and reduce the likelihood of workplace violence.

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Early warning signs of potential violence

There is no single “profile” that can identify a potentially dangerous individual. It is important to be careful when drawing assumptions about a person’s potential for violence based on any specific behavior or action. However, certain patterns of behavior and events frequently precede episodes of violence.

Behavior or situations that may indicate an increased risk of violence include, but are 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 and/or verbal comments expressing 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 expressing fascination with weapons
- Fascination with incidents of workplace violence, statements in person or online indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides
- Statements in person or online indicating an increased tone of desperation, feeling that normal interventions to solve a problem will not work, feeling hopeless about a situation at work, with family, with finances, and other personal problems
- Signs of abuse of drugs or 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 someone

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

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Workplace issues that may trigger violence.

Common situations that may trigger workplace violence can be categorized under employee issues or workplace issues.

Employee issues include:

- A negative performance review
- An unwelcome change in role due to performance or reorganization in the workplace
- An unwelcome change in work schedule
- Criticism of an employee's performance
- A conflict with coworker or supervisor
- Personal stress outside the workplace
- Increased workload or pressure

Workplace issues include:

- No clearly defined rules of conduct
- A lack of employee training
- Inadequate hiring practices or screening of potential employees
- Insufficient supervision of employees
- A lack of discipline or inconsistent discipline in the workplace
- A lack of employee support systems or support systems that are inadequate
- Employer failure to address incidents as they occur
- An overly authoritarian management style in the workplace

Note, a workplace issue that only an employee perceives can still be a trigger for workplace violence.

Recognizing the signs and intervening early

To help prevent a violent situation from occurring management, employees, and authorized representatives should be trained to recognize the early warning signs (such as a change in a person's behavior before an episode of violence) and the issues or events that may trigger violence. With this knowledge an employer can intervene early to prevent a violent incident from occurring.

Reporting an incident

At the core of this Workplace Violence Prevention Program is North Merrick's commitment to work with its employees to maintain a work environment free from violence and violent behavior to the greatest degree possible.

Any North Merrick employee who becomes aware of a physical assault, threatening behavior, or verbal abuse at the workplace must immediately report the facts and circumstances of the violent incident to their supervisor and/or the contact person identified in the Policy Statement (**Attachment 1**). In the event that an employee witnesses or is involved in an incident of violence in which there is an immediate threat to the employee's safety or the safety of others or where a serious injury has occurred, the employee will immediately call 911 to obtain law enforcement and/or medical assistance

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and 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 Assistant Superintendent for Curriculum, Instruction, and Personnel using the Incident Report located in the main office of each building (**Attachment 4**).

If a pattern of workplace violence incidents develops that involve criminal conduct or serious injury, The Superintendent of Schools will attempt to develop a protocol with law enforcement or the District's Attorney to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted.

Retaliation against an employee who makes a report of violence or other violent behavior is strictly prohibited and shall be subject to appropriate corrective or disciplinary measures.

Post-Incident Response

North Merrick School District has developed procedures to respond to incidents of workplace violence. These include the following as appropriate:

- Assure that injured employees receive prompt and appropriate medical care. (This includes, but is not limited to, providing transportation of any injured persons 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.
- Secure the premises to safeguard evidence and reduce distractions during the post incident response process.
- Assure that an incident report is completed immediately after an incident occurs, noting details that might be forgotten over time. **Attachment 4** contains a sample incident report form.
- Address the need for appropriate treatment for employees who were victims of workplace violence. In addition to physical injuries, victims and witnesses may suffer psychological trauma, fear of returning to work, feelings of incompetence, guilt, powerlessness, and fear of criticism by supervisors or managers.
- Management will investigate any reported workplace violence incident thoroughly.

All employees should be trained to inform management about any incidents that occur and how prepare an incident report.

Employee Information and Training

Training of every employee will be performed upon initial assignment and annually thereafter. Retraining is required any time there is a significant change to North Merrick School District's workplace violence prevention program, a newly identified risk factor, or a control measure addition. Required training topics are listed in the Training Outline in **Attachment 3**.

Recordkeeping Requirements

All workplace violence incidents and threats will be documented in a workplace violence incident report. Workplace violence incidents that cause a work-related death or an injury that-meets the recording criteria of the Public Employee Safety and Health Bureau (PESH) log of injuries and

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illnesses should be recorded on both the PESH log and the workplace violence incidents report. For more on the PESH log of injuries and illness, the PESH website linked here: <https://dol.ny.gov/public-employee-safety-health>

Workplace violence incident reports will provide a written description when an incident occurs so that management can evaluate why the incident occurred and implement an appropriate safeguard or control measure to reduce the risk of such incidents from happening again. The Workplace Violence Incidents Report also creates a historical record. The Workplace Violence Incident Report(s) will be reviewed at least once a year to determine if and how the workplace violence prevention program should be updated. (A sample incident reporting form is attached as **Attachment 4** of this document.)

Program Review

Assistant Superintendent for Curriculum, Instruction, and Personnel, with the authorized employee representative, will evaluate the effectiveness of this Workplace Violence Prevention Program, at least annually or after any serious workplace violence incident. The review will focus on determining trends in workplace violence incidents; addressing the root cause of incidents; evaluating the effectiveness of the control measures in place; and determining if any changes need to be made to control measures. 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.

If an employee or authorized representative submits a written notice of concern regarding a violation of the employer's workplace violence prevention program or imminent danger in the workplace, the employer must be afforded a reasonable opportunity to address the reported issue. If the employee or authorized employee representative believes that the reported concern has not been resolved and a serious violation of the North Merrick workplace violence prevention program still exists, the employee or authorized employee representative may request an inspection by filing a complaint with the Public Employee Safety and Health (PESH) bureau at the Department of Labor's Division of Safety and Health using the complaint form linked here:

<https://dol.ny.gov/system/files/documents/2023/09/pesh7.pdf> or by calling 1-844-SAFE-NYS. The completed and signed complaint form can be emailed to ask.shnypesh@labor.ny.gov, or faxed or mailed to the nearest Division of Safety and Health (DOSH) District Office listed in the complaint form.

Employees can also contact the PESH bureau to ask questions about health and safety standards by calling: 1-844-SAFE-NYS or emailing ask.shnypesh@labor.ny.gov. An employee is NOT required to provide written notice to an employer if the employee believes themselves, another employee, or patient is in imminent danger of workplace violence and reasonably believes, in good faith, that reporting to a supervisor would not result in corrective action. In such an instance, an employee can reach out directly to PESH.

For additional information on recordkeeping or workplace violence prevention, or to request free and confidential consultation assistance, please use the contact information on the PESH Consultation Fact Sheet available here: https://dol.ny.gov/system/files/documents/2023/11/p206_12-10-20.pdf

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ATTACHMENT 1

Workplace Violence Prevention Policy

The district is committed to establishing and maintaining a safe and secure workplace for employees. Workplace violence is a safety hazard to the district, its employees, and everyone in the workplace, and will not be tolerated. All employees are expected to work together to create and maintain a safe and respectful work environment for everyone.

Workplace violence is defined as any physical assault or act of aggressive behavior occurring where employees perform any work-related duty in the course of their 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 their 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.

All employees are responsible for notifying their supervisor or other designated contact person of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. All acts of workplace violence will be promptly and thoroughly investigated, and appropriate action will be taken, including contacting law enforcement where necessary.

Designated Contact Person: Assistant Superintendent for Curriculum, Instruction, and Personnel
Department: Central Office Administration
Phone: (516) 282-1813

As required by Labor Law §27-b, the district will develop and implement a Workplace Violence Prevention Program to comply with the law and its implementing regulations. The Program will include elements required by law and regulation, including:

- a. the risk factors present in the workplace;
- b. the methods the district will use to prevent incidents of violence in the workplace;
- c. the methods and means by which the district will address specific identified hazards;
- d. a system to report workplace violence incidents in writing;
- e. a written outline for employee training; and
- f. a plan for annual program review and update.

In developing the Workplace Violence Prevention Program, the district will conduct an evaluation to identify likely potential risks of violence in the workplace. Authorized employee representative(s) will 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.

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Employee Notice and Training

As required by law, all employees will participate in Workplace Violence Prevention Training Program at the time of initial assignment and annually thereafter. Employees must be trained on:

- a. the details of the workplace violence prevention program;
- b. the measures they can take to protect themselves from risks of violence; and
- c. the specific procedures the district has implemented to protect employees (such as appropriate work practices, emergency procedures, and the use of security alarms).

Additionally, at the time of initial assignment and at least annually, employees will be informed of the requirements of Labor Law §27-b, the risk factors identified in the workplace, and the location of the district's Workplace Violence Prevention Program.

This policy must be posted where notices to employees are normally posted.

Allegations of Violations and Non-Retaliation

The process for employees to allege violations of the workplace violence prevention program to the state Commissioner of Labor, and the employment protections for doing so, is set forth in Labor Law §27-b and 12 NYCRR §800.6 and includes the following:

A "serious violation" of the workplace violence prevention program is the failure to develop and implement a program or address situations which could result in serious physical harm. "Imminent danger" is any condition or practice in the workplace where a danger exists which could reasonably be expected to cause death or serious physical harm immediately, or before the imminence of the danger can be eliminated through these complaint procedures.

Employees or their representatives who believe that a serious violation of the workplace violence prevention program exists or that an imminent danger exists (as defined above), must bring the matter to their supervisor's attention in writing, and must give the district a reasonable opportunity to correct the activity, policy or practice, before notifying the Commissioner of Labor. However, such prior written notice and opportunity for correction is not required if there is an imminent danger or threat to the safety of a specific employee, and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.

If, after the matter has been brought to a supervisor's attention and a reasonable opportunity to correct the issue has passed, the issue has not been resolved and the employee still believes that a violation of the workplace violence prevention program remains or that an imminent danger exists, employees or their representatives may request an inspection from the Commissioner of Labor in writing. The Commissioner will provide a copy of the request to the district, but the employee may request that their name be withheld.

A district representative and authorized employee representative may accompany the Commissioner of Labor during the inspection to assist in the inspection. If there is no authorized

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employee representative, the Commissioner will consult with district employees concerning workplace safety.

The district will not take retaliatory action (terminate, suspend, demote, penalize, discriminate, or other adverse employment action in the terms and conditions of employment) against any employee because they have alleged a serious violation of the workplace violence prevention program, or imminent danger exists, requested an inspection by the Commissioner of Labor, or accompanied the Commissioner on the inspection, as prescribed by state law and regulation.

Cross-ref: 5131; 5131R, Code of Conduct

Ref: Labor Law §27-b
12 NYCRR §800.6

Adoption date: 12/12/23 (one read)

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ATTACHMENT 2 Risk Factors and Control Measures

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

Physical Environment			
Identified Risk	Building	Selected Control(s)	Comments
[Redacted Section]			

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ATTACHMENT 3

Workplace Violence Prevention Training Outline

1. Introduction
2. Types of workplaces violence in schools
3. Impacts of workplace violence
4. Workplace violence defined
5. Workplace defined
6. Effects on students, staff and the learning environment
7. Statistics
8. Warning signs
9. Risk Factor – External
10. Risk Factors – School Environment
11. Risk Factors – Organizational
12. Individual risk factors
13. Prevention strategies
14. Reporting and Response
15. When an incident occurs
16. Compliance With The New York State Workplace Violence in Public Schools Law
17. Emergency response plan
18. How does the NY DOL respond to complaints?
19. When workplace violence issues have not been resolved
20. Supervisor defined
21. Where to report
22. Workplace violence prevention resources

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ATTACHMENT 4

Recordkeeping - Workplace Violence Incident Report

When did the incident occur? Date _____ Time _____

At what workplace location did the incident occur?

Provide a detailed description of the incident below.

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"

Name of employee reporting incident _____

Name & job title of involved employees.

1. Name _____	Job Title _____
2. Name _____	Job Title _____
3. Name _____	Job Title _____
4. Name _____	Job Title _____
5. Name _____	Job Title _____

Name or other identifier of other individuals involved.

1. Name _____
2. Name _____
3. Name _____
4. Name _____
5. Name _____

Nature and extent of injuries arising from the incident.

Name of Witnesses.

1. Name _____
2. Name _____
3. Name _____
4. Name _____
5. Name _____

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Events leading up to the incident and how the incident ended.

PLEASE FORWARD THIS REPORT FORM TO THE INDIVIDUAL NAMED BELOW	
Name: _____	Title: _____
Telephone: _____	Email: _____

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Recordkeeping: Incident Follow-up

Who received the complaint?

Name _____

Title _____

Date _____

Time _____

What corrective actions were taken?

Was law enforcement contacted? Yes ___ No ___

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If yes, please describe outcome:

Final Resolution:

Date of Incident Closure	Name	Title	Telephone #
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Note: Employees who are victims of workplace violence can independently and voluntarily request that their name not be entered on the report.