



NIAGARA FALLS CITY SCHOOL DISTRICT

Workplace Violence Prevention Training

Mark R. Laurie
Superintendent

Template courtesy of NYSOER and NYSDOL.





Workplace Violence Prevention: Act and NYS DOL Regulations

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: 12 NYCRR 800.6

The law was expanded to public education facilities in January 2024.



Workplace Violence: Definitions and Categories

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
- School Buildings and Grounds
- After School Activities/ 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



Workplace Violence Policy Statement

Workplace Violence Policy Statement

- The NFCSD has developed a written policy statement regarding the NFCSD's workplace violence prevention program that describes the goals, objectives, method for incident reporting, and how authorized employee representative(s) (AER) can/will participate in the workplace violence program.
- The policy statement shall be displayed where notices to employees are normally posted.

Workplace Violence Policy Statement Location

The NFCSD Workplace Violence Prevention Policy Statement may be reviewed here:

<https://www.nfschools.net/Page/15909>

The Workplace Violence Prevention Policy statement is also posted *in each School District building.*

Please see your school administrator or supervisor if you are unable to locate this document at your work location



Workplace Violence Policy Statement

NFCSD Workplace Violence Coordinator/Designated Contact Person:

Maria Massaro

Administrator for Human Resources

Human Resource Office, 630 - 66th Street, Niagara Falls, NY 14304

(716)286-1260

mmassaro@nfschools.net



Risk Evaluation and Determination

Risk Evaluation and Determination

The workplace violence prevention act and the associated regulations require NFCSD 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 NFCSD 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

Evaluation of Physical Environment

The NFCSD, with participation of the AER, has evaluated all workplace locations to determine what factors place employees at risk of workplace violence.

Factors may include but are not limited to:

- External factors - Contact with the public, socio economic conditions, neighborhoods
- School Environment – Access control/visitor practices
Working late night or early morning hours/Anti bullying measures
- Organizational – School culture/Leadership/Staff and student communication
- Individual – Mental Health Struggles/Stress/Personal conflicts
- [NFCSD Physical Threat Assessment of Physical Environment.pdf](#)



Workplace Violence Prevention Program

Workplace Violence Prevention Program

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

The NFCSD has solicited input from the AER on situations in the workplace that pose a threat of workplace violence and on the program the NFCSD 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 at minimum 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

The NFCSD Workplace Violence Prevention Program may be reviewed here:

<https://www.nfschools.net/Page/15909>

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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

Results and remediation steps may be found in each school

Please see your school administrator for information regarding Physical Environment Evaluation results at your work location



Workplace Violence Prevention Program: Methods to Address Specific Risk Factors

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

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

Some examples of controls implemented by the NFCSD:

- *Engineering controls: Window film, security doors, central check in areas, proximity cards*
- *Work practice (administrative) controls: Designated parking, pick up drop off areas, Evolve system, raptor system, two way radios, letters requiring advance notice of meeting*
- *Social Workers, crisis intervention protocols, restorative practices,*

Workplace Violence Prevention Program: Incident Reporting System

The Act and NYS DOL regulations require the NFCSD 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 NFCSD and recordkeeping process for incident report records to be maintained
- A process for employees to file complaints with the Police and Department of Labor

Workplace Violence Prevention Program: Reporting Protocol

Any employee who wishes to file a criminal complaint after a workplace violence incident may do so in one of four ways:

Contact the Niagara Falls Police Department at (716)286-4547

Contact one of the NFCSD School Resource Officers

*Contact District Security Director Bryan DalPorto:
bdalporto@nfschools.net*

*Contact Workplace Violence Prevention Coordinator Maria Massaro,
mmassaro@nfschools.net*

Workplace Violence Prevention Program: Reporting of Workplace Violence Incidents

The *NFCSD* has developed and shall maintain a workplace violence incident report, that records for each workplace violence incident. The

NFCSD's Incident Report Form can be found:

<https://www.nfschools.net/Page/15909>

Additionally paper copies of this form are located in the main office of each school location.

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

Employees may make complaints to, and forward incident reports to the Workplace Violence Prevention Coordinator/Designated Contact Person:

Maria Massaro

(716) 286-1260

mmassaro@nfschools.net

Workplace Violence Prevention Program: Recordkeeping of Workplace Violence Incidents

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

The NFCSD, 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

Workplace Violence Incidents will be reviewed by the NFCSD's Workplace Violence Prevention Advisory Committee on a monthly basis.

Emergency meetings of the committee may be convened to review any incident (s) that may require immediate attention

Annually a review of all incidents will take place to evaluate for possible patterns and to assess responses

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 District 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

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

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

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 NFCSD no later than the time of inspection.

The employee or AER may request that their name(s) be withheld from the NFCSD'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/system/files/documents/2023/09/pesh7.pdf> or by calling 1-844-SAFE-NYS.
- **The NFCSD cannot take retaliatory action (discharge, suspension, demotion, penalization or discrimination against any employee, or other adverse employment action) against any employee who exercises their rights under this law**

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 NFCSD 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 NFCSD 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 NFCSD's workplace violence prevention program

Workplace Violence Prevention Program: Annual Program Review and Update

The NYS DOL regulations require NFCSD 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 NFCSD 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

The DOL workplace violence website provides additional information including FAQs and a fact sheet for employees. It is available here:

<https://dol.ny.gov/workplace-violence-prevention-information>

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
- PEF Health and Safety Website
- CSEA Occupational Safety and Health Website
- NYSUT
- BOCES
- OSHA
- NIOSH
- FBI

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Prevention of Workplace Violence

Thank You