SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT

POLICY 8130.2

WORKPLACE VIOLENCE PREVENTION

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.

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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.

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 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: 5300, Code of Conduct
8130, School Safety Plans and Teams

Ref: Labor Law §27-b
12 NYCRR §800.6

Adopted: January 25, 2024