

Overview of the New York State Workplace Violence Prevention Act

The New York State Workplace Violence Prevention Act amended NYS Labor Law by adding a new Section 27-b, which requires all state and local government employers to take steps to ensure that their employees are provided protection from potential incidents of violence in the workplace.

Among other requirements, Section 27-b requires every public sector employer to:

1. conduct a risk assessment of its worksites to identify and address any existing risk factors that may increase the possibility of workplace violence;
2. provide training for all employees, which informs them of the risk factors that may be present in their workplace(s), measures they can take to protect themselves from such risks, and the steps the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, and use of security alarms and other devices; and
3. for employers with 20 or more full-time employees, develop and implement a written workplace violence prevention program that lists the risk factors and the methods the employer is using to prevent violence and minimize or eliminate identified hazards.

What is Workplace Violence?

Workplace violence can be any act of verbal or physical violence, threat of physical violence, harassment, intimidation, or other threatening; disruptive behaviors that occurs at a work site, or while a public employee performs any work-related duty in the course of his or her employment. Workplace violence can affect or involve employees, visitors, contractors, and others.

For purposes of this policy, the workplace is defined as any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, Library-owned/leased buildings and facilities, parking lots, and traveling to and from work assignments within the work day.

Workplace violence can be inflicted by an abusive employee, a supervisor, member of the public, family member, or even a stranger. Whatever the cause or whomever the perpetrator, workplace violence will not be accepted or tolerated by the Library.

What is a workplace violence incident?

According to the NYS Department of Labor, a workplace violence incident is defined as one or more of the following:

- a. An attempt or threat, whether verbal or physical, to inflict injury upon another person.
- b. Any intentional display of force which would give a person 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 or offensive touching.

- d. Harassment of a nature that would give a person reason to fear escalation or harassment arising out of or in the course of employment.
- e. Stalking a person with the intent of causing fear when such stalking has arisen through or in the course of employment.

An incident may be committed without one person actually touching or striking or doing bodily harm to another person. Concerns about sexual or other unlawful harassment may also be covered by the Library's Policy Against Workplace Sexual Harassment.

Savings Clause

The Library has made every effort to ensure that this Workplace Violence Prevention Program complies with NYS Department of Labor regulations. In the event any of the provisions, portions or applications of this program are found to be invalid or inconsistent with any superseding legal requirements by any tribunal of competent jurisdiction, then the provisions, portions or applications specified in such decision will be of no force and effect, but the remainder of this program will continue to be in full force and effect.

Section 2 – Employee and Supervisory Roles and Responsibilities

Employee Responsibility

It is the responsibility of every Library employee to assist and cooperate in making our workplace as safe as possible. In order to accomplish this task, all employees need to fully understand and adhere to the provisions of this Workplace Violence Prevention Program.

Any employee who witnesses or is the victim of any form of workplace violence, or who notices or perceives any physical condition, procedure, or any other factor which may contribute to the potential risk of workplace violence, should report same to his/her supervisor, the Assistant Director or the Director. If the supervisor, Assistant Director or the Director is a party to the incident or concern, or if for any reason the employee is not comfortable reporting same to these individuals, the report should be made to the Library's Safety Committee which will also serve as the Hazard Reduction Team. A list of the Hazard Reduction Team members and their contact information is available to staff internally. All reports should be documented using the attached "Workplace Violence Incident Report Form." Supervisors completing or receiving these reports must promptly submit them to the Assistant Director or Director.

If an employee properly refers a matter of concern as set forth above, and the Library is given reasonable opportunity to correct the matter but it has not been resolved or the employee or representative of the employees still believes a violation remains, or if the employee believes that an imminent danger exists, the employee or representative of employees has the right to contact the New York State Department of Labor, in writing, to request inspection by the Department of the situation.

An employee who applies for, obtains or is covered by a protective or restraining order, which lists specific workplace locations as being protected areas, must provide his/her supervisor, the

Assistant Director or the Director with a copy of the petition and declaration used to seek the order as well as a copy of any temporary or permanent protective or restraining order that was granted. The Library will endeavor to maintain confidentiality of same and respect the privacy of the reporting employee to the maximum extent possible consistent with the Library's obligations pursuant to this Program.

Any employee who, in good faith, makes a report of workplace violence, reports witnessing workplace violence, or is involved in reporting, investigating, or responding to workplace violence, will not be subject to retaliation of any kind. Any employee found to have engaged in retaliatory action will be subject to discipline, up to and including termination.

Supervisor Responsibility

Supervisors have the responsibility for ensuring that these policies and procedures are clearly communicated and understood by all employees, as well as enforcing them in a fair and consistent manner. Supervisors are accountable for ensuring that all aspects of this program under their area of responsibility are properly met.

Supervisors must carefully review and assess information provided by employees or other sources. If a problem situation or location is identified, appropriate precautions should be taken based on the specific situation. Information about the problem should be communicated to the Assistant Director or Director and the Hazard Reduction Team for possible notification of other employees who may work in a similar/identical situation and for updates to the Workplace Violence Prevention Program.

Hazard Reduction Team

A Hazard Reduction Team ("Team") has been established to assess the Library's vulnerability to workplace violence and to make recommendations on preventive actions to be taken. The Team will consist of at least one representative designated by the Library, who initially will be the Team Leader. The Team will contribute toward maintaining the Library's Workplace Violence Prevention Program ("Program"). A copy of the Program is available upon request in the places listed in the Library's Workplace Violence Prevention Policy Statement.

The Hazard Reduction Team will conduct a risk assessment. Once the level of risk is determined, the Team will participate in the development of risk reduction strategies, which will then be implemented during employee training.

The Team may participate in the oversight of employee training programs in violence prevention and the development of a plan for responding to acts of violence. It may also participate in communicating this plan internally to all employees. The Team may participate in reviewing previous incidents of violence at our workplace. It may analyze and review existing records to identify patterns that may indicate causes and severity of assault incidents and identify changes necessary to correct these hazards. These records include, but are not limited to, past incident reports, insurance records, Workers' Compensation records, accident investigations, training records, and grievances.

Additionally, the Team may participate in the inspection of the workplace and evaluate the work tasks of employees to determine the presence of hazards, conditions, operations and other situations which might place workers at risk of occupational assault incidents. Employees may be surveyed to identify the potential for violent incidents and to identify or confirm the need for improved security measures. These surveys will be reviewed, updated and distributed as needed.

The Team will also, on at least an annual basis, review and update the Program. The review and update will set forth any mitigating steps taken in response to any incident of workplace violence.

Section 3 – Response Procedures

During An Incident

If a threatening situation arises:

Try to remain calm.

Remove yourself from the threat as quickly as possible.

Immediately call or alert others to call appropriate help (e.g., police, supervisor, and ambulance) to obtain immediate on-site assistance.

In emergency situation, dial 911.

Notify coworkers as soon as practical to enable them to also reach safety if danger is imminent and applicable to them.

Post Incident

Steps will be taken to review risks and determine whether additional security measures are needed to mitigate a threat or violent incident. An investigation will take place to determine what actions are appropriate to prevent a similar occurrence. The Library will respect privacy and confidentiality rights of employees during investigations to the greatest extent possible.

If warranted, increased worksite protection will be provided when threats of violence have been made, such as additional police or security patrols.

Anyone who might be affected if the threat-maker carries out his or her threat may be notified.

Counseling may be provided to victims about options available to them, such as obtaining a restraining order and receiving counseling services from an Employee Assistance Program (EAP).

After the occurrence of a threat or an incident of workplace violence, the Library will maintain open lines of communication to alleviate anxiety and reduce misinformation.

Employees may be assisted with the possible psychological consequences that may result from a workplace violence incident. Counseling services and follow-up treatment, as needed, may be offered to employees and their families.

Dealing With Conflict

There is no sure way to tell whether someone will become violent; however, there are often warning signs before violence occurs. These warning signs do not mean that the individual will actually become violent, but in combination, they should be a cause for concern. Warning signs of potentially violent individuals:

- Written, oral, or implied threats or intimidation
- Fascination with weaponry or acts of violence
- Theft or sabotage of projects or equipment
- Alcohol or drug abuse
- Expressions of hopelessness or heightened anxiety
- Intention to hurt or others
- Lack of concern for the safety of others
- Externalization of blame
- Irrational beliefs and ideas
- Romantic obsession
- Displays of excessive or unwarranted anger
- Feelings of victimization
- Inability to take criticism
- New or increased sources of stress at home or work
- Productivity and/or attendance problems

Do's and Don'ts for Dealing with Potentially Violent Individuals

Do's

1. Do project calmness. Move and speak slowly, quietly, and confidently.
2. Do listen attentively and encourage the person to talk.
3. Do let the speaker know that you are interested in what he or she is saying.
4. Do maintain a relaxed yet attentive posture.
5. Do acknowledge the person's feelings and indicate that you can see she/he is upset.
6. Do ask for small, specific favors such as asking the person to move to a quieter area.
7. Do establish ground rules. State the consequences of violent or threatening behavior.
8. Do employ delaying tactics that give the person time to calm down. For example, offer a cup of water.
9. Do be reassuring and point out choices.
10. Do help the person break down big problems into smaller, more manageable problems.
11. Do accept criticism. When a complaint might be true, use statements such as, "You're probably right" or "It was my fault." If the criticism seems unwarranted, ask clarifying questions.

12. Do arrange yourself so that your exit is not blocked.
13. Do make sure there are three to six feet between you and the other person.

Don'ts

1. Don't make sudden movements that may seem threatening.
2. Don't speak rapidly, raise your volume, or use an accusatory tone.
3. Don't reject all demands.
4. Don't make physical contact, jab your finger at the other person, or use long periods of eye contact.
5. Don't pose in challenging stances: directly opposite someone, hands on hips, or with arms crossed.
6. Don't challenge, threaten, or dare the individual. Never belittle the other person.
7. Don't criticize or act impatient.
8. Don't attempt to bargain with a threatening individual.
9. Don't try to make the situation seem less serious than it is.
10. Don't make false statements or promises you cannot keep.
11. Don't try to impart a lot of technical or complicated information when emotions are high.
12. Don't take sides or agree with distortions.
13. Don't invade the individual's personal space.

Section 4 – Training and Education

Training and Education

All employees will receive training and education on the risks of workplace violence and procedures for responding to and reporting incidents of workplace violence. Training will be provided upon completion of the Program and annually thereafter. Additional training may be required prior to starting a new job assignment, if new laws relating to workplace violence are enacted or there are changes in any current laws, or if the Library makes significant changes to its Workplace Violence Prevention Program, risk factors or work controls.

The Library's employee training and education will include, but not be limited to, the following areas:

- Overview of the New York State Workplace Violence Prevention Act and NYS Labor Law Section 27-b, and Regulations, 12 N.Y.C.R.R. Part 800.6
- Description and details of the Library's Workplace Violence Prevention Program
- Location of the Library's Workplace Violence Prevention Program manual and the procedures for obtaining a copy
- Definition of workplace violence and the three levels of workplace violence
- Methods of recognizing and responding to the three levels of workplace violence
- Standard response action plan for violent situations
- Procedures for reporting a workplace violence incident or imminent danger
- How and when incidents will be investigated by the Library
- The risk factors identified in the Hazard Reduction Team's risk evaluation

- Measures employees can take to protect themselves from identified risks
- Procedures, policies, safety devices, and/or work environment accommodations that have been implemented to protect employees based on the results of the risk evaluation
- Post-incident procedures, including medical follow-up and the availability of counseling for affected individuals

Specialized training and education may be provided to supervisors as well as to those employees who are at higher risk of workplace violence based on their job duties and/or work site location.

Upon completion of the training, employees may be asked to provide feedback on the quality and content of the training. Upon request to the Assistant Director or Director, employees will receive a copy of the Library's Workplace Violence Prevention Program.

Section 5 – Incident Recordkeeping and Reporting and Investigations

Recordkeeping

The Library will maintain accurate records regarding all workplace violence incidents. The Library will adhere to all of the requirements of 12 NYCRR Part 801, known as the Public Employer Recordkeeping Rule, which is implemented pursuant to Section 27-a of the Labor Law, for the recording of employee injuries or illnesses due to workplace violence incidents. All workplace violence incident forms will be kept according to the applicable retention and disposition schedules.

Any situation that meets the definition of a workplace violence incident as defined in Section 1 (Introduction) or any workplace violence injury that results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness, must be documented on a Workplace Violence Incident Report. Any recordable injury must also be documented on the SH-900 log. The report will be initiated by the employee and completed with the assistance of the Safety Officer.

The SH-900 Logs and Workplace Violence Incident Reports will be reviewed by the Hazard Reduction Team on a regular basis. The forms will also be summarized and analyzed at least annually so that the Team can identify any trends in the types of workplace violence incidents occurring and to review the effectiveness of the mitigating actions taken.

The Library is required to report employee workplace violence related fatalities and multiple hospitalizations to the New York State Department of Labor's Public Employee Safety and Health (PESH) Bureau within eight hours of the incident. (Refer to NYCRR Part 801 for complete information pertaining to employee recordkeeping and PESH reporting requirements).

Incident Reporting

The Library will follow all federal, state and local laws and procedures in the reporting of workplace violence incidents. Any workplace violence incident that may be of a criminal or

domestic violence nature will be immediately reported to the appropriate police authorities or be handled in accordance with accepted operating procedures.

Library Incident Reporting Procedures – All incidents of Level I violence must be reported within 48 hours of occurrence. All Level II and Level III incidents must be reported immediately. The reporting structure is outlined in Section 2 (Employee Responsibility) of this manual. An “Incident Report Form” must be completed for each incident. A copy of the form may be forwarded to the one or more members of the Hazard Reduction Team for their review and investigation.

At a minimum, the report will include the following information: (a) Workplace Location Where Incident Occurred; (b) Date of Incident; (c) Time of Day; (d) Incident Description; (e) Names and job titles of involved employees; (f) Extent of Injuries; (g) Names of witnesses; (h) Name or other identifier of other individual(s) involved; and (i) Information on preventative actions that the Library has taken or is considering as a result of the incident to mitigate against further like occurrences. Such reports will be maintained for use when the program is reviewed and updated. The Incident Report Form contained in this manual or the DOSH (Division of Safety and Health) SH-900.2 form or C-2 form with the required information added may be utilized.

If the report involves a privacy concern case, the Report will be kept confidential and the Library will replace the name of the employee who was the victim of the workplace violence with “PRIVACY CONCERN CASE” before sharing the Report. The following will be treated as privacy concern cases:

- a. an injury or illness to an intimate body part or the reproductive system;
- b. an injury or illness resulting from a sexual assault;
- c. mental illness;
- d. HIV infection;
- e. Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person’s blood or other potentially infectious materials; and
- f. Other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered in the Report.

The Director or designee is required to report any workplace violence related fatalities and multiple hospitalizations to the DOSH District Office within eight hours of the incident.

Nearest DOSH District Office:
400 Oak Street, Suite 102
Garden City, N.Y. 11530
Phone: (516) 228-3970
Fax: (516) 794-7714

Incident Investigation

Each incident may be investigated by one or more members of the Hazard Reduction Team depending upon the circumstance. The investigation may take various forms, depending upon the type of incident (e.g., threat assessment, administrative, criminal).

After the occurrence of a workplace violence incident, the Library will consider prevention enhancements which may be necessary to properly protect employees. The Team may discuss the causes of the incident and make recommendations on how to revise the Workplace Violence Prevention Program, if necessary, to prevent similar incidents from occurring. Revisions to the program will be put in writing and made available to all employees.

Section 6 – FORM

Workplace Violence Incident Report Form is available to staff internally