

Workplace Violence Prevention Program:

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Introduction

Effective January 4, 2024, to help prevent workplace violence in public schools, the Workplace Violence Prevention Law ([Section 27-b of Labor Law](#)) was amended to extend coverage to elementary and secondary public education. Covered public employers now include public school districts, New York City public schools, Boards of Cooperative Education Services (BOCES), and County Vocational Education and Extension Boards.

The law requires public employers to develop and implement programs to prevent and minimize workplace violence and help ensure the safety of public employees. The Frequently Asked Questions below are provided as guidance to this amended legislation and will continue to be updated.

Resources for Further Information

General questions regarding these regulations may be emailed to the Office of Student Support Services at StudentSupportServices@nysed.gov.

Questions relating to these regulations specific to students with disabilities may be emailed to the Office of Special Education at SPECED@nysed.gov.

Workplace Violence Prevention Program: Frequently Asked Questions

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A) Workplace Violence Prevention Program Requirements

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Yes, charter schools are public schools.

C-3) Does the Workplace Violence Prevention Act apply to 853 schools?

No, this law only applies to public employers, including public school districts, New York City public schools, Boards of Cooperative Education Services (BOCES), and County Vocational Education and Extension Boards. However, all schools are encouraged to use the [workplace violence prevention program template](#) provided by the New York State Department of Labor (NYSDOL).

C-4) If a school assigns employees to work in a space leased from another school or district (e.g., school district A leases space from school district B), should the school or district include the space it leases in its workplace violence prevention program (e.g., evaluation of physical environment)?

Yes. [12 NYCRR 800.6\(d\)\(10\)](#) defines workplace as “[a]ny location away from an employee’s domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment by an employer. [NYSDOL guidance](#) states that a workplace “can include physical office spaces as well as locations outside the main worksite such as: inspection sites, town-hall meeting locations, conference locations, school buses, field trip locations and team sport venues.”

C-5) If a BOCES operates a program at an offsite location (e.g., programs on a SUNY campus), should the BOCES include the offsite location in its workplace violence program?

Yes. [12 NYCRR 800.6\(d\)\(10\)](#) defines workplace as “[a]ny location away from an employee’s domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment by an employer. [NYSDOL guidance](#) includes that a workplace “can include physical office spaces as well as locations outside the main worksite such as: inspection sites, town-hall meeting locations, conference locations, school buses, field trip locations and team sport venues.”

C-6) If a school has less than 20 employees, is the school or district required to comply with the Workplace Violence Prevention Act?

No if the school or district that has less than 20 employees is not part of a larger school district or BOCES. However, regardless of size, schools are encouraged to use the [workplace violence prevention program template](#) provided by NYSDOL.

D) Employees

D-1) Are members of a board of education considered employees?

No. [12 NYCRR 800.6\(d\)\(3\)](#) defines employee as “[a] public employee working for an employer.

E) Evaluations

E-1) When a school or district has multiple buildings, must each individual building be evaluated?

G) Employee Representation

G-1) Are schools or districts required to permit employees or their authorized employee representative(s) to participate in workplace violence prevention programs?

For certain elements, yes. Employers must allow employee participation through an employee representative in the development and implementation of a written policy statement on the employer's workplace violence prevention program goals and objectives, and in evaluation of the physical environment. Employers must solicit input from the authorized employee representative about situations in the workplace that pose a threat of workplace violence and on the workplace violence prevention program the employer intends to implement.

G-2) If employees are represented by multiple unions, are schools or districts required to have an authorized employee representative from each?

Yes, districts and schools should provide the opportunity for participation from an authorized employee representative from each union.

The safeguards implemented by an employer will depend on the type of risks present in your workplace. An employer could implement physical changes to the workplace to reduce or eliminate the risk of workplace violence. An employer could also change work practices to reduce the likelihood of violent incidents and to better protect staff and others should a violent incident occur. An employer could supply employees with personal protective equipment as well.

When there are situations where the risk or hazard cannot be completely eliminated, the employer must use control measures to reduce the risk to employees. The employer must address each specific risk or hazard identified and assign control measures for each one identified.

The workplace prevention program must include a hierarchy of controls.

J) Engineering

- Engineering controls - reduce the hazard through substitution or design. An

L) Personal Protective Equipment

- Personal protective equipment- For the most part, this type of intervention is not relevant to workplace violence prevention. An example of personal protective equipment would be ballistic body armor for law enforcement personnel.

Examples of personal protective equipment include:

Supplying law enforcement personnel with body armor; or
Supplying healthcare workers with bite-resistant sleeve

M) Workplace Violence Examples

M-1) What is considered workplace violence?

Workplace violence examples include physical assaults or threats of physical harm, verbal abuse, bullying and harassment, sexual harassment, ideological violence to employees where they perform any work-related duty in the course of their employment.

M-2) If an incident occurs that qualifies as workplace violence, what procedures should an employee follow?

The employee should notify their supervisor or other designated contact person. Each school or district is responsible for developing and implementing a workplace violence prevention program that includes a system for reporting incidents of workplace violence in writing.

N) Classroom Assignments

N-1) Can a faculty member refuse a classroom assignment for a student they claim is not safe to be in the room with, due to physical aggression/violence?

School assignments are a local administrative decision. The requirements of the amended Workplace Violence Prevention Law require public employers (i.e., school districts, charter schools, (y)i(t)2/TT0 1pIB

- Implementing school climate surveys for students, staff, and community to identify areas of need;
- Working within a multi-tiered system of supports (MTSS);
- Encouraging a systemic social emotional learning (SEL) strategy that incorporates competency building and practice in subject area classrooms as well as in less structured environments like cafeterias, playgrounds, and school busses;
- Implementing a restorative practices framework that emphasizes community-building;
- Incorporating trauma-informed practices; building strong support systems

Preschool Special Education (CPSE) is considering more restrictive programs or

A school district may determine that it is necessary to place a student in an IAES subsequent to initiating the expedited hearing but prior to the impartial hearing officer (IHO) issuing a decision at that hearing. As indicated [in the United States Department of Education letter to Heufner dated March 8, 2007](#), “in most cases . . . the child would be placed in an [IAES] pursuant to the [district’s] authority provided under [34 CFR 300.530](#) and [300.531](#) prior to the [district’s] request for an expedited due process hearing, and the [district] would be requesting that the hearing officer *extend*

Whether the school or district has followed the correct procedures under IDEA regarding potential discipline or review of a student's Individualized Education Program (IEP) following an instance of student conduct is wholly separate and apart from the NYSDOL's investigation of a potential workplace violence prevention complaint.

The PESH bureau is available for questions about safety and health standards by calling 1-844-SAFE-NYS or emailing ask.shnypesh@labor.ny.gov.

Violations of the Workplace Violence Prevention law can be reported to the PESH bureau at the Department of Labor's Division of Safety and Health directly using the [complaint form](#) or by calling 1-844-SAFE-NYS.

P-5) How does this law address when “violence” or aggression is a manifestation of a student’s disability?

Nothing in the Workplace Violence Prevention law changes the requirements and protections for students with disabilities under the provisions of the IDEA, New York State Education Law, and Parts 200 and 201 of the Regulations of the Commissioner of Education.

[Section 201.4](#) of the Regulations of the Commissioner of Education, requires that a manifestB k

Q) Enforcement

Q-1) Are schools or districts subject to enforcement action by NYSDOL?

NYSDOL's Division of Safety and Health Public Employee Safety and Health (PESH) bureau has the authority to investigate complaints, conduct worksite inspections, issue citations and impose fines. Employers are given a "reasonable opportunity to fix violations. According to NYSDOL, a reasonable opportunity is the amount of time it should reasonably take for an employer to investigate and fix the violation once they have been alerted to it and determined that a serious violation exists.

Whether the school or district has followed the correct procedures under IDEA regarding potential discipline or review of a student's Individualized Education Program (IEP) following an instance of student conduct is wholly separate and apart from the NYSDOL's investigation of a potential workplace violence prevention compliance. NYSED remains responsible for oversight and monitoring of school and school district's compliance with special education requirements.

The PESH bureau is available for questions about safety and health standards by calling 1-844-SAFE-NYS or emailing ask.shnypesh@labor.ny.gov.

Violations of the Workplace Violence Prevention law can be reported to the PESH bureau at the Department of Labor's Division of Safety and Health directly using the [complaint form](#) or by calling 1-844-SAFE-NYS.

Q-2) What recourse do employees have if an employer does not respond to reported incidents?

Violations of the workplace violence prevention law can be reported 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](#) or by calling 1-844-SAFE-NYS. You can also contact the PESH bureau to ask questions about safety and health standards by calling 1-844-SAFE-NYS or emailin1ilin1ilin1ilin1il10 (f)2 (t)12 (he7t u0 Td[(B(v)4(o)

U) Safety Plans

U-1) How is the Workplace Violence Prevention Plan different from a school's required Building-Level Emergency Response Plan or District-Wide School Safety Plan?

There is a lot of overlap between the Workplace Violence Prevention Plan, the Building-Level Emergency Response Plan, and the District-Wide School Safety Plan. Every public school must develop a Building-Level Emergency Response Plan that includes specific details about the emergency procedures in place. An example of information in this plan would be procedures to for how staff and students would "hold-in-place" and remain in their current location, for example, during a medical emergency or a fight in the hallway between students. Additionally, each district, BOCES, and charter school is required to develop a District-Wide School Safety Plan that includes an overview of the policies and procedures that are in place related to safety, for example, how the school will update parent emergency contact information.

A school or district may want to include information in their District-Wide School Safety Plan about the Workplace Violence Prevention Plan and training for staff. The district, BOCES or charter school developing the Workplace Violence Prevention Plan may wish to reference policies and procedures that are in place and documented in the Building-Level Emergency Response Plan and/or the District-Wide School Safety Plan. For example, this may include reference to de-escalation training that staff participate in, or the presence of a school resource officer in the building, or security measures that are in place in the school.

V) School Safety and Educational Climate

V-1) Do NYSED definitions for "Violent and Disruptive Incident Related Terms" from School Safety and Educational Climate (SSEC) Glossary of terms have any bearing on determining when workplace violence incident reporting should occur if a student is involved?

No. SSEC terms and definitions are not related to reporting workplace violence.

W) Resources

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