

WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT

The Board is committed to the safety and security of its employees. Workplace violence presents a serious occupational safety hazard. The goal of this policy is to promote the safety and well-being of all people in the workplace.

Acts of violence against any employee where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for: helping to create an environment of mutual respect, as well as students, parents, and other visitors; following all applicable documents; and for assisting in maintaining a safe and secure work environment.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Authorized employee representative" means a representative designated as authorized by an employee or an employee organization certified to represent the employee(s) pursuant to Article 14 of the Civil Service Law, the Public Employees' Fair Employment Act.
- b) "Imminent danger" means any conditions or practices in any place of employment which are such that 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 the enforcement procedures.
- c) "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.
- d) "Serious physical harm" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ or a sexual offense as defined in Penal Law.
- e) "Serious violation" means a serious violation of the public employer workplace violence prevention program is the failure to:
 - 1. Develop and implement a program;
 - 2. Address situations which could result in serious physical harm.
- f) "Supervisor" means any person within the BOCES who has the authority to direct and control the work performance of an employee or who has the authority to take corrective action regarding the violation of a law, rule, or regulation to which an employee submits written notice.
- g) "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of their employment by the BOCES.

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What is Workplace Violence

Workplace violence is any physical assault or acts of aggressive behavior occurring where an employee performs any work-related duty in the course of their employment including, but not limited to:

- a) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- b) Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- c) Intentional and wrongful physical contact with an employee without their consent that entails some injury;
- d) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.

Workplace violence may be committed by:

- a) Other employees;
- b) Former employees;
- c) Students;
- d) Parents;
- e) Visitors;
- f) Individuals who have no connection to the workplace, but enter to commit a robbery or other crime; or
- g) An individual who has a personal relationship with an employee.

Prohibited Conduct

The BOCES prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace.

Workplace Violence Prevention Advisory Committee

The BOCES will establish a Workplace Violence Prevention Advisory Committee that will meet as directed by the Workplace Violence Prevention Coordinator. The Workplace Violence Prevention Advisory Committee will assist the BOCES in coordinating its efforts to comply with its responsibilities related to workplace violence prevention.

The Workplace Violence Prevention Advisory Committee will include:

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- a) The Workplace Violence Prevention Coordinator;
- b) All authorized employee representatives;
- c) The Chief Emergency Officer;
- d) Any other individual(s) as deemed appropriate by the Workplace Violence Prevention Coordinator.

Workplace Violence Prevention Coordinator

The BOCES has designated the following BOCES employee to serve as its Workplace Violence Prevention Coordinator:

Megan Popkess
1879 West Genesee Street Rd
Auburn, NY 13021
(315) 255-7682
wvpcordinator@cayboces.org

The Workplace Violence Prevention Coordinator convenes and coordinates the activities and plans of the Workplace Violence Prevention Advisory Committee. The Workplace Violence Prevention Coordinator is also responsible for answering employee questions about this policy and related materials, as well as receiving workplace violence incident reports.

Authorized Employee Representatives

Authorized employee representatives will participate on the Workplace Violence Prevention Advisory Committee. Other responsibilities of the authorized employee representatives include, but are not limited to:

- a) Evaluating the physical environment.
- b) Developing the WVPP.
- c) Reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any.
- d) Reviewing the effectiveness of the mitigating actions taken.
- e) Reporting violations of the BOCES's WVPP.

Reporting Workplace Violence

The BOCES has established and implemented a reporting system for incidents of workplace violence. If there is a developing pattern of workplace violence incidents which may involve criminal conduct or a serious injury, the BOCES will report the behavior to the appropriate authorities. The BOCES will provide information on these protocols and contact

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information to employees who wish to file a criminal complaint after a workplace violence incident.

All employees and authorized employee representatives are responsible for providing written notice to a supervisor or Workplace Violence Prevention Coordinator of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. Reports of workplace violence must be made in writing. All reports must be immediately forwarded to the Workplace Violence Prevention Coordinator.

Written notice is not required where imminent danger exists to the safety of a specific employee and the employee reasonably believes in good faith that reporting to a supervisor or the Workplace Violence Prevention Coordinator would not result in corrective action.

After the BOCES receives notice, the BOCES will be afforded a reasonable opportunity to correct the activity, policy, or practice. The BOCES will respond as soon as possible to all reported incidents of violence or threatening behavior upon notification.

Workplace Risk Evaluation and Developing a Workplace Violence Prevention Program (WVVP)

The BOCES will engage in a process of workplace evaluation designed to identify the risks of workplace violence to which employees could be exposed.

The BOCES will then develop and implement a written WVPP to prevent, minimize, and respond to any workplace violence. The Workplace Violence Advisory Committee, which includes all authorized employee representatives, will oversee, and participate in the development of the WVPP. During the development process, the authorized employee representative(s) will provide input on those situations in the workplace that pose a threat of workplace violence.

The WVPP will include the following:

- a) A list of the risk factors identified in the workplace evaluation.
- b) The methods the BOCES will use to prevent incidents of workplace violence. Examples include, but are not limited to:
 1. Making high-risk areas more visible to more people;
 2. Installing good external lighting;
 3. Providing training in conflict resolution and nonviolent self-defense responses; and
 4. Establishing and implementing reporting systems for incidents of aggressive behavior.
- c) A hierarchy of controls to which the program will adhere as follows: engineering controls, work practice controls, and personal protective equipment (PPE).

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- d) The methods and means by which the BOCES will address each specific hazard identified in the workplace evaluation.
- e) A system designed and implemented by the BOCES to report any workplace violence incidents that occur in the workplace. The reports must be in writing and maintained for the annual program review.
- f) A written outline or lesson plan for employee program training.
- g) A plan for program review and update on at least an annual basis. This review and update will detail any mitigating steps taken in response to any incident of workplace violence.

Prohibition of Retaliatory Behavior (Commonly Known as “Whistle-Blower” Protection)

The BOCES will not take retaliatory action against any employee because the employee exercises any right accorded to them under this policy.

Training

At the time of hire and annually thereafter, all employees will participate in the BOCES' workplace violence prevention training program.

Notification

This policy will be posted where notices to employees are typically posted. The BOCES will make its WVPP available to employees, authorizes employee representatives, and the Commissioner of Labor upon request and in the work area. Whenever significant changes are made to the WVPP, the BOCES will provide relevant information to affected employees.

Labor Law Section 27-b
12 NYCRR Section 800.6

NOTE: Refer also to Policies #2410 -- Code of Conduct
#2411 -- Prohibition of Weapons on School Grounds
#2412 -- Threats of Violence in School
#2420 -- Non-Discrimination and Anti-Harassment in the BOCES
#2430 -- Title IX and Sex Discrimination
#4681 -- School Safety Plans
#4684 -- Use of Surveillance Cameras in the BOCES on School Buses
#5690 -- Exposure Control Program
#5121 -- Sexual Harassment of BOCES Personnel
#5122 -- Employee Grievances
#6618 -- Use of Time Out Rooms
#6360 -- Weapons in School and the Gun-Free Schools Act

Adoption Date: February 8, 2024