Monroe 2-Orleans BOCES Workplace Violence Prevention Program

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Introduction:

What is Workplace Violence?

Workplace violence is defined as any physical assault or acts of aggressive behavior occurring where a public employee performs 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 his or her consent that entails some injury;
- 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.

What is the New York State Workplace Violence Prevention Law and Regulation? On June 7, 2006, New York State enacted legislation creating a new Section 27-b of State Labor Law that requires every public employer to evaluate the risk of workplace assaults and homicides at its workplace(s) and to develop and implement programs to prevent and minimize the hazard of workplace violence to public employees. In 2009, NYS Department of Labor (DOL) implemented regulations to accompany the Workplace Violence Prevention Law. These regulations can be found at 12 NYCRR 800.6 and are enforced by NYSDOL. Effective January 4, 2024, all public schools & BOCES previously exempted under Section 2801 of the Education Law must comply with 12 NYCRR Part 800.6.

Purpose of this program:

The purpose of this Workplace Violence Prevention Program is to provide information to managers, supervisors, employees, and authorized employee representatives about preventing and responding to incidents of workplace violence or threats of violence in accordance with the Workplace Violence Prevention Law and Regulation. Authorized employee representatives must be included in the physical evaluation of the workplace, the development of the WVP written program, and the annual review of WVP incident reports.

The goal of this program is to reduce the probability of threats or acts of violence in the workplace and to ensure that any incident, complaint, or report of violence is taken seriously and dealt with appropriately and as expeditiously as possible. This program outlines the major components of the BOCES effort to meet these goals. At the core of this Workplace Violence Prevention Program is the BOCES commitment to work with employees to maintain a work environment free from violence and other disruptive behavior to the greatest degree possible.

Policy Statement

The Monroe 2-Orleans BOCES Board has adopted policy #5321, Workplace Violence Prevention. It is included as **Appendix 1**.

Workplace Risk Assessment

The BOCES has conducted a workplace risk assessment consisting of:

- Examination of records that concern workplace violence incidents;
- Assessment of policies, practices, and procedures that may impact the risk of workplace violence, and
- Evaluation of the physical work environment for the presence of factors which
 may place employees at risk of workplace violence, with the participation of the
 authorized employee representatives. Although workplace violence can occur in
 any work setting, some settings or factors may pose a greater degree of risk.
 Examples of employment situations or factors that may pose a higher risk for the
 BOCES employees may include, but are not limited to, the following:
 - Working in public settings
 - Working late night or early morning hours
 - Exchanging money with the public
 - Working alone or in small numbers
 - Working in a setting with uncontrolled access to the workplace
 - Working in a setting where previous security problems have occurred:
 - Having a mobile workplace assignment
 - Working with a population which might expose one to potentially violent persons (e.g. in healthcare, social service, public service or criminal justice settings)
 - Having duties that include the delivery of passengers, goods, or services

The BOCES risk assessment is listed in **Appendix 2**, including risk factors identified during the assessment, along with the methods and means by which each risk is being addressed.

Any incidents that may occur after the implementation of this program must be carefully documented and analyzed in order to make improvements to this program during the required annual review or as necessary.

Control methods that the BOCES will use to prevent workplace violence incidents

Hierarchy of Controls

There are three main types of control measures that may be implemented as part of a safety program to protect employees from recognized hazards. The following types of controls are arranged in order of preference and effectiveness - this is referred to as the "hierarchy of control measures".

Hierarchy of Controls

- Engineering controls
- Administrative controls
- Personal Protective Equipment (PPE)

Engineering controls eliminate or reduce the hazard through substitution or design (possible capital project).

Examples include:

- Increased lighting
- Designing secure building access
- Security hardware
- Eliminating isolated work areas
- Minimizing "cash on hand"

Administrative controls eliminate or reduce the hazard through organizational policies, procedures and work practices (staff promulgated action). (Refer to District-Wide School Safety Plan, Code of Conduct, Sexual Harassment Policy, Employee Handbook, other Safety and Health plans, etc.).

Examples include:

- Increased staffing
- Employment of safety and security personnel
- Developing building access control procedures
- Cross-shift communication to share information regarding agitated visitors or students
- Reduction of visitor wait times
- Provision of personal alarms (examples include: portable/fixed panic alarms)
- Provision of cell phones/radios
- Provision of life safety supplies (examples include: first aid kit, stop the bleed kit, etc.)
- Training (examples include: workplace violence, conflict resolution, deescalation training, mental health first aid, restraint training (TCI, CPI))

Personal Protective Equipment (PPE)

PPE is generally considered the least desirable form of control, but may be needed to enhance other controls and/or minimize potential injury severity when other controls fail.

Examples include:

- Eye and face protection (examples include: goggles, face shield)
- Hand/Arm protection
- Leg/Foot protection
- Head protection

Prevention

Prevention of violence in the workplace is the responsibility of every employee. The following section focuses on early warning signs and workplace issues that have the potential to trigger violent behavior. Management, employees, and authorized employee representatives should be familiar with the issues below in order to become aware of and to reduce the likelihood of workplace violence.

Early warning signs of potential violence:

There is no single "profile" that can identify a potentially dangerous individual. However, certain patterns of behavior and events frequently precede episodes of violence.

- A list of indicators of increased risk of violent behavior include, but are not limited to the following: Direct or veiled threats of harm
- Intimidation, belligerence, bullying or other inappropriate behavior directed at others
- Numerous conflicts with supervisors and employees; verbal comments indicating expressions of hostility directed at coworkers, supervisors, or others
- Bringing an unauthorized weapon to work, brandishing a weapon in the workplace, making inappropriate reference to guns or fascination with weapons
- Fascination with incidents of workplace violence, statements indicating approval
 of the use of violence to resolve a problem, or statements indicating identification
 with perpetrators of workplace homicides
- Statements indicating an increased tone of desperation from the person, feeling that normal interventions to solve the problem will not work, feeling hopeless about a situation at work, with family, financial, and other personal problems
- Signs of abuse of drugs/alcohol on or off the job
- Extreme or uncharacteristic changes in behavior or displays of emotion
- Employees with ongoing domestic difficulties
- Employees with a temporary order of protection against any staff

These behaviors should be reported to an employee's supervisor and/or Karen M. Brown, Assistant Superintendent for Human Resources. Some behaviors may require immediate law enforcement intervention where others may require disciplinary action or indicate a need for an Employee Assistance Program (EAP) referral or other employee assistance, if available.

Workplace issues that may trigger violence:

Listed below are two categories of common issues that may trigger workplace violence.

1. Employee issues. Some examples include:

- Negative performance review
- School climate/Student behavior
- Unwelcome change in role due to performance or reorganization issue
- Criticism of performance
- Conflict with coworker or supervisor

- Personal stress outside the workplace
- Increased workload or pressure, e.g. deadlines, projects, etc.

2. Workplace issues (any of the following may be an employee's perception of issues)

- No clearly defined rules of conduct
- Lack of training
- Inadequate hiring practices/screening of potential employees
- Insufficient supervision
- Lack of discipline or inconsistent discipline in workplace
- Lack of or inadequate employee support systems
- Failure to address incidents as they occur
- Overly authoritarian management style

Taking this into account, there are three key elements that may help to prevent a violent situation from occurring:

- Recognizing the early warning signs (such as a change in a person's behavior preceding an episode of violence)
- Recognizing issues or events that may trigger violence
- Early intervention to prevent a violent incident from occurring

Please note:

It is important to be careful when drawing assumptions or relying solely on any of the above behaviors as indicators of violence.

Reporting an incident

At the core of this Workplace Violence Prevention Program is the BOCES commitment to work with its employees to maintain a work environment free from violence and other disruptive behavior to the greatest degree possible.

A workplace violence incident report form is included in **Appendix 3**. Note that if a case is a "privacy concern case", as defined below, before sharing a copy of the report with any party other than the Commissioner of Labor, the BOCES shall remove the name of the employee who was a victim of the workplace violence and shall instead enter "PRIVACY CONCERN CASE" in the space normally used for the employee's name. The BOCES shall treat incidents involving the following injuries or illnesses 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; and
- Other injuries or illnesses, if the employee independently and voluntarily requests that his/her/their name not be entered on that Report.

Any BOCES employee, upon becoming aware of an instance of physical assault, threatening behavior, or verbal abuse occurring in the work setting must immediately report the facts and circumstances of said incident to their supervisor and/or to the contact person identified in the Policy. (Appendix 1). In the event that employees observe or experience an incident of violence involving an employee or visitor to the BOCES in which there is an immediate threat to their safety or the safety of others or where an injury has occurred, the employee will immediately notify law enforcement and obtain medical assistance by calling 911 and in addition notify their immediate supervisor. The supervisor will immediately conduct a preliminary inquiry into the facts and circumstances of the incident and make a prompt report to the Workplace Violence Designed Contact Person using the Incident Report in Appendix 3.

Where a developing pattern of workplace violence incidents which may involve criminal conduct or serious injury exist, the BOCES may attempt to develop a protocol with the appropriate local District Attorney or law enforcement agency to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted.

Retaliation against an employee who makes a good faith report of violence or other disruptive behavior is strictly prohibited and shall be subject to appropriate corrective or disciplinary measures. An employee who, in bad faith makes a false report, is also subject to disciplinary action.

Employee Information and Training Outline

Training of every employee will be performed before initial assignment and annually thereafter. Retraining is required any time there is a significant change to the program, a risk factor, or work control. Required training topics are listed in the Training Outline in **Appendix 4**.

Recordkeeping Requirements

The record keeping requirements outlined in 12 NYCRR Part 801, Recording and reporting Public Employees' Occupational Injuries and Illnesses (DOSH 900), must be used to document recordable injuries sustained during workplace violence incidents.

In addition to Part 801, all incidents will be investigated and documented to ensure that all threats and workplace violence incidents are reported to administration. These reports will provide written notification when a violence incident occurs so that the BOCES can develop an appropriate response. The Incident Report will also create a historical record that can be used in the annual review and program update.

Program Review

The BOCES along with the Workplace Violence Prevention Committee and authorized employee representatives shall evaluate the effectiveness of this Workplace Violence Prevention Program and reports submitted, at least annually or after any serious incident.

Review of Incident Reports

Each incident report must be investigated by the BOCES when the incident occurs.

An annual review of the incident reports collected shall be conducted by the Workplace Violence Prevention Committee.

Program Review

Annual review of the program will focus on trends, addressing root cause, and the effectiveness of the control measures in place or the need to make changes. The review will also assess whether the reporting and record keeping systems have been effective in collecting all relevant information. **Appendix 5** will be updated with titles of those who perform the review.

If an employee or authorized representative submits a written notice of concern regarding a violation of the employer's workplace violence prevention program or imminent danger in the workplace, the employer must be a afforded a reasonable opportunity to address the reported issue. If the employee or authorized employee representative believes that the reported concern has not been resolved and a serious violation of the BOCES workplace violence prevention program still exists, the employee or authorized employee representative may request an inspection by filing a complaint with the Public Employee Safety and Health (PESH) bureau at the Department of Labor's Division of Safety and Health. The complaint form can be emailed to ask.shnypesh@labor.ny.gov, or faxed or mailed to the nearest Division of Safety and Health (DOSH) District Office listed in the complaint form.

Employees can also contact the PESH bureau to ask questions about health and safety standards by calling: 1-844-SAFE-NYS or emailing ask.shnypeshlabor.ny.gov. An employee is NOT required to provide written notice to an employer if the employee believes themselves, another employee, or patient is in imminent danger of workplace violence and reasonably believes, in good faith, that reporting to a supervisor would not result in corrective action. In such an instance, an employee can reach out directly to PESH.

For additional information on recordkeeping or workplace violence prevention, or to request free and confidential consultation assistance, please use the contact information on the PESH Consultation Fact Sheet available here:

Workplace Violence Prevention Information | Department of Labor (ny.gov)

APPENDICES

Monroe 2-Orleans BOCES Policy Series 5000 – Personnel Policy #5321 – WORKPLACE VIOLENCE PREVENTION

Monroe 2-Orleans BOCES is committed to the safety and security of employees by prohibiting workplace violence. The goal of this statement is to promote the safety and well-being of all employees in the workplace.

All employees are responsible for helping to create an environment of mutual respect by following all policies, procedures, and practices, and for assisting in maintaining a safe and secure work environment. Acts of workplace 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.

Workplace Violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of 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 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.

BOCES will evaluate the risk of violence in its workplaces to determine the presence of factors that may place employees at risk of occupational assaults or homicide. BOCES will create a written workplace violence prevention program in accordance with New York State Law and Regulations. The written workplace violence prevention program document will be accessible for viewing and copying at the Assistant Superintendent for Human Resources office at the ESC building. Employees will be informed of any risk factors in their workplace environment and the measures that can be used for protection from the identified risk.

All employees will participate in the annual Workplace Violence Prevention Training Program. All incidents of violence or threatening behavior will be responded to immediately upon notification. All employees are responsible for notifying the contact person designated below of any violent incident or threatening behavior by completing a workplace violence report form. The designated Contact Person to receive the completed form is Karen M. Brown, Esq., Assistant Superintendent for Human Resources who can be reached at 585-352-2420, kbrown@monroe2boces.org.

Adopted: 2/14/2024

Assessment of Relevant BOCES 2 Policies, Practices and Procedures

Relevant Monroe 2-Orleans BOCES Policies and Regulations:

- 1440 Non discrimination
- 14404R Discrimination grievance guidelines
- 2411 Unlawful possession of a weapon upon school grounds
- 2411R Weapons
- 2411R.1 Regulations regarding firearms
- 2210 Visits to BOCES facilities, schools and programs
- 2210R Visitors to schools
- 2240 Public complaints
- 2240R.1 Anti-discrimination complaint guidelines
- 2240R Complaints against school personnel
- 2000R Anti-harassment in the BOCES
- 2000F Harassment complaint form
- 4540 Safety and security
- 4540R Safety of students, staff, visitors and facilities
- 4540R.1 Security for students, staff, visitors and facilities
- 4542 School safety plan and building level emergency response plan
- 4542R Guidelines for school safety plan and building level emergency response plan
- 5160 Alcohol, drugs and other substances (School Personnel)
- 5160R Alcohol, drugs and other substances personnel
- 5170 Complaints and grievances by employees
- 5170R Employee discrimination grievance guidelines
- 5161 Drug-free workplace
- 5161R Drug-free workplace
- 5340 Employee assistance program
- 5120 Equal employment opportunity
- 5140 Health examinations
- 5121 Sexual harassment of BOCES personnel
- 5121F Sexual harassment complaint form
- 5320 Workers compensation
- 6410 Accident/First aid treatment
- 6220 Alcohol, drugs and other substances (Students)
- 6241 Firearm policy
- 6241R Regulations regarding firearms
- 6209 Physical restraint and corporal punishment
- 6209R Physical restraint and corporal punishment
- 6230 Searches and interrogations
- 6210 Student conduct
- 6212 Student discipline and suspension
- 6212R Student discipline and suspension
- 6462 Student harassment and bullying prevention and intervention (Dignity for All Students Act)

6462R – Student harassment and bullying prevention and intervention (Dignity for All Students Act)

6463 – Title IX and Sex Discrimination

6463F – Monroe 2-Orleans BOCES Title IX Formal Complaint Form

6231 – Use of electronic magnetometers

6231R – Use of electronic magnetometers

6240 - Weapons in school

6240R - Weapons

7121 – Discipline of students with disabilities

7111 – Drills and bomb threats

7123 – Use of timeout, seclusion and aversive intervention

7123R – Use of timeout, seclusion and aversive intervention

Relevant Monroe 2-Orleans BOCES Documents:

Monroe 2-Oreleans BOCES District-wide Safety Plan

Relevant Monroe 2-Orleans BOCES Practices and Procedures:

- Staff members are to direct all visitors to the main office or reception where visitors are to identify themselves and the purpose of their visit.
- BOCES utilizes the RAPTOR Visitor Management System at certain locations. Visitors are required to show a government picture upon entering the site. BOCES staff scan the ID into the RAPTOR System which then compares the ID to all 50 states Sex Offender Registries. If the person is not on any of the registries, a temporary ID badge is printed and given to the visitor. If a visitor is on a registry, a school administrator is notified to determine the visitor's status at the site. Upon leaving a site, the visitor returns the badge and is logged out of the RAPTOR System.
- Sites where RAPTOR is not utilized: Visitors are required to show a government picture ID and/or sign the visitor book upon being permitted entrance. Each visitor is issued a temporary visitor pass. Visitors are required to wear a Visitor Pass at all times while at BOCES facilities. Visitors are to notify the main office of their departure, returning the temporary pass to a staff member and signing out before leaving.
- For conferences or large meetings, once visitors identify themselves, they are directed to the applicable conference room to obtain a Visitor's Pass and to sign in/sign out. If a staff member notices that a visitor does not have identification or a visitor's pass, he/she should verbally direct or assist that person to the main office or reception to sign in. If the visitor refuses, the staff member should immediately report the occurrence to their Supervisor and/or the main office or reception.
- Staff members are to report any malfunctioning outside doors to the building or program administrator immediately and/or to the O&M department directly. Teachers are to lock their classroom doors and close any overhead doors if applicable, whenever they take students out of the building, except for an emergency evacuation, i.e. fire alarm

- The main entrances of buildings are the single points of access for all visitors to the facilities.
- Surveillance cameras (Interior/Exterior) monitor BOCES facilities and grounds.
- District and building level emergency response teams possess radios.
- Supervisors approve work schedules for employees.

List of Risks and Mitigation Efforts

Risks Identified through Record Review and/or Risk Evaluation	Methods and means by which the risk is being addressed	
Identified Risk #1 Physical contact and/or injury to employees from students	 Identified staff will receive training in therapeutic crisis intervention strategies. Staff will engage with the mental health providers on behavior intervention plans and classroom management strategies. 	
Identified Risk #2 Individuals having access to schools	 All staff are provided with identification and badge swipe access only. Key management system to ensure proper distribution and tracking of keys 	
Identified Risk #3 Working late night or early morning hours while working alone or in small numbers.	 Supervisors will confirm all overtime work schedules and work orders. Immediate supervisors will follow-up with individuals who perform weekend/holiday building checks. Individuals conducting building checks will document any irregularities to the supervisor. 	

Below is the template BOCES uses to evaluate all of our buildings. For confidentiality and security reasons, completed evaluations are kept in the Safety and Security Office.

Door Detector(s) door alarm	
Adequate lighting in and around the workplace	
Parking lot well lighted	
Panic Button(s)	
Video Monitor(s)	
Landscaping to provide unobstructed view of the workplace	
Limiting the posting of signs on windows	
Other:	
2. Factors That Might Place Employees at Risk	
Work in public settings-e.g. Health Care, Police Officers, Firefighters, Social Workers	
Work late night or early morning hours	
Exchange money with the Public	
Work alone or in small numbers	
Work in a location with uncontrolled public access	
Areas of previous security concerns	
Any other factors that might place employees at risk	
3. Security Guards	

Are security guards present at the location
Are guards posted at entrance(s)
Do they patrol the building
Are they provided with communication? If yes, indicate what type in notes.
Any other relevant information
4. Description of the Building: Using the information from Sections 1-3 and your working knowledge of the building describe in Section 4 the building (number of entrances and exits, number of employees, access to the building, security features, areas of concern related to security).
5. Specific Hazards: Using the information from Sections 1-4 list the specific hazards related to this evaluation in Section 5.



Adopted: 2/14/2024

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WORKPLACE VIOLENCE REPORT FORM (In accordance with Policy 5321)

Name of Employee:
Title of Employee:
Location of Employee:
Work Phone number:
Workplace Location of the Incident:
Time /Day of Incident:
Name of person who created the incident:
Title of person who created the incident:
Name, title and location of other employees/individuals involved in the incident:
Name, title and location of any witness' to the incident or who have knowledge of the incident:
Please provide a detailed description of the incident/event, include events leading up to the incident and how the incident evolved.
Please describe any mental or physical injuries:
NOTE: The law allows, before the form is shared, for the employee who is completing the form to request their name to be redacted and considered private if the employee independently and voluntarily requests their name to be private. Please contact the Assistant Superintendent for Human Resources if you, as the staff member completing the form, are independently and voluntarily requesting your name on the form to be considered private in the event the form is shared.

Workplace Violence Prevention Training Outline

Information and training for all employees:

- I. Overview of Requirements of the Workplace Violence Regulations
 - A. Develop a written policy statement employers must develop a written policy statement about the employer's workplace violence prevention program goals and objectives and provide for full employee participation through an authorized employee representative. The policy statement must be posted where notices to employees are normally posted.
 - B. Conduct a risk evaluation employers must examine their workplace to determine if existing or potential risk factors exist that might place employees at risk of occupational assaults or homicides.
 - C. Develop a workplace violence prevention program- employers must develop a program, with input from employees or an authorized employee representative, that, among other things, includes the following: risk factors identified through the risk evaluation; how the identified risks will be addressed; the methods that will be used to try to prevent workplace violence incidents; a system to report and record any workplace violence incidents may occur in the workplace; a written outline or lesson plan for employee program trainings; and a plan to review and update the program at least once a year.
 - D. Provide training and information for employees- employers must provide each employee with information and training on the risks of workplace violence in their workplace(s) at least once a year and any time significant changes are made to the workplace violence prevention program.
- II. Risk factors and measures that were identified in the risk evaluation
 - A. The following risks specific to Monroe 2-Orleans BOCES were identified:
 - a. Physical contact and/or injury to employees from students
 - b. Individuals having access to schools
 - c. Working late night or early morning hours while working alone or in small numbers
 - B. Measures that employees can take to protect themselves from the identified risks including specific procedures that the employer has implemented such as:
 - a. Incident alert and notification procedures
 - b. Appropriate work practices
 - c. Emergency procedures
 - d. Use of security alarms and other devices
 - e. Training for identified staff in therapeutic crisis intervention strategies
 - f. Other existing policies, procedures and work practices relevant to WVP
 - g. Procedures to report incidents of workplace violence
- III. Location of the written workplace violence prevention program and how to obtain a copy

IV. Privacy Concerns

A. How will sensitive information be handled?

Note: Information otherwise kept confidential for security reasons does not have to be disclosed to all employees. Examples of confidential information include but are not limited to information that would interfere with law enforcement investigations or judicial proceedings, would deprive a person of a right to a fair trial, would identify a confidential source or disclose confidential information relating to a criminal investigation, would reveal criminal investigative techniques or procedures except routine techniques and procedures, or would endanger the life or safety of any person.

Workplace Violence Program Maintenance and Review

rogram review (annual) completed on:	(date)		
Stakeholders and authorized employee representatives (where applicable)			
	3,71		
	- Alexander - Alex		
	MATERIAL STATES		

Plan and Contact information:

The most current version of this plan will be made available to employees, their authorized representatives, and to representatives of the NYS Department of Labor by contacting or visiting the BOCES website (www.monroe2boces.org):

Designated Workplace Violence Prevention Contacts:

	Primary Contact		Secondary Contact
Name	Karen M. Brown	Name	Douglas Comanzo
Title	Assistant Superintendent for HR	Title	Safety and Security Coordinator
Department	Human Resources	Department	Safety and Security
Phone	(585) 352-2420	Phone	(585) 352-2777
Location	ESC	Location	WE-MO-CO