

Mexico Academy & Central Schools



Workplace Violence Prevention Program
12 NYCRR Part 800.6.

April 2024

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Workplace Violence Prevention Policy Statement

Mexico Academy and Central School District is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our employees, students, and visitors.

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 acts of workplace violence will be promptly, and thoroughly investigated, and appropriate action will be taken, including contacting law enforcement where necessary.

The District employees, with the participation of authorized employee representatives, will develop and implement a Workplace Violence Prevention Program to comply with the applicable law and its implementing regulations. The Program will include:

- a. A statement regarding the risk factors presents in the workplace;
- b. The methods the District will use to prevent incidents of violence in the workplace, including the specifically identified hazards;
- c. A system to report workplace violence incidents in writing;
- d. A written outline for employee training; and
- e. A plan for annual program review.

This policy will be posted where notices to employees are normally posted.

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Introduction:

What is Workplace Violence?

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 WPV written program, and the annual review of WPV 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 our effort to meet these goals. At the core of this Workplace Violence Prevention Program is the District's commitment to collaborate with employees to maintain a work environment free from violence and other disruptive behavior to the greatest degree possible.

The District has conducted a workplace risk evaluation consisting of:

- A **records examination** to identify patterns in the type and cause of incidents; areas where incidents occur; incidents that involve specific workplace operations; or incidents which involve specific individuals.
- An **assessment of administrative risk factors** through review of all relevant policies, practices, and procedures that may impact the risk of workplace violence.
- An **evaluation of the physical environment** for factors which may place employees at risk of workplace violence with the participation of authorized employee representatives. Although workplace violence can occur in any work setting, some setting or factors may pose a greater degree of risk. Employment situations or factors that may pose a higher for MACS employees 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 with a population which might expose one to potentially violent persons
 - Having duties that include the delivery of passengers, goods, or services.

Risk factors identified during the examination, assessment and evaluation are listed in Attachment 2, along with the methods and means by which the District is addressing each risk. Any incidents that may occur after the implementation of this program must be carefully documented and analyzed to make improvements to this program during the required annual review or as necessary.

Workplace Violence Control Measures and Prevention

A hierarchy of controls is a safety professional term referring to a ranking of the safeguards that an employer can use to protect employees from harm in order of preference and effectiveness. There are three main types of safeguards, or control measures, that an employer can implement to protect employees from recognized workplace violence risk factors. Engineering controls are considered the most effective, followed by work practice controls, and then personal protective equipment.

Engineering controls eliminate or reduce the risk of workplace violence through physical changes to the workplace.

Examples of engineering controls include:

- Increasing lighting in remote areas
- Designing secure building access
- Installing security hardware
- Eliminating isolated work areas
- Installing drop safes

Work practice controls eliminate or reduce the risk of workplace violence through changes to organizational policies, procedures, and work practices.

Examples of work practice controls include:

- Increased staffing
- Employment of security personnel
- Implementing building access control procedures, for example, requiring badges to enter
- Instituting communication procedures across shifts or classes to share information regarding agitated clients or students
- Providing information to employees on the criminal history or violence of clients, inmates, or customers
- Reducing customer wait times
- Providing employees with personal alarms
- Providing cell phones to employees in the field
- Training employees on de-escalation and how to recognize precursors to violence

Personal Protective Equipment (PPE) is generally considered the least effective control measure but may be needed to enhance other control measures or minimize potential injury severity when other control measures fail.

Examples of personal protective equipment include:

- Ballistic or stab resistant body armor
- Riot gear including protective helmets and shields
- Eye and face protection

Workplace Violence Prevention

Prevention of violence in the workplace is the responsibility of MACS and everyone has a role to play in keeping the workplace safe from violence. The following section focuses on early warning signs of violent behavior and workplace issues that have the potential to trigger violent behavior. Management, employees, and authorized representatives should be familiar with the signs and issues described below to intervene early and reduce the likelihood of workplace violence.

Early warning signs of potential violence

There is no single “profile” that can identify a potentially dangerous individual. It is important to be careful when making assumptions about a person’s potential for violence based on any specific behavior or action. However, certain patterns of behavior and events frequently precede episodes of violence. Behavior or situations that may indicate an increased risk of violence 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 and/or verbal comments expressing 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 expressing fascination with weapons
- Fascination with incidents of workplace violence, statements in person or online indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides
- Statements in person or online indicating an increased tone of desperation, feeling that normal interventions to solve a problem will not work, feeling hopeless about a situation at work, with family, with finances, and other personal problems
- Signs of abuse of drugs or 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 someone

These behaviors or situations should be reported to an employee’s supervisor and/or the administrator of the workplace violence prevention program. 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.

Workplace issues that may trigger violence

Common situations that may trigger workplace violence can be categorized under employee issues or workplace issues. Employee issues include:

- A negative performance review
 - An unwelcome change in role due to performance or reorganization in the workplace
 - An unwelcome change in work schedule
 - Criticism of an employee’s performance
 - A conflict with coworker or supervisor
 - Personal stress outside the workplace
 - Increased workload or pressure
- Workplace issues include:
- No clearly defined rules of conduct

- A lack of employee training
- Inadequate hiring practices or screening of potential employees
- Insufficient supervision of employees
- A lack of discipline or inconsistent discipline in the workplace
- A lack of employee support systems or support systems that are inadequate
- Employer failure to address incidents as they occur
- An overly authoritarian management style in the workplace

Note, a workplace issue that only an employee perceives can still be a trigger for workplace violence.

Recognizing the signs and intervening early

To help prevent a violent situation from occurring management, employees, and authorized representatives should be trained to recognize the early warning signs (such as a change in a person's behavior before an episode of violence) and the issues or events that may trigger violence. With this knowledge an employer can intervene early to prevent a violent incident from occurring.

Reporting an incident

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

Any district employee who becomes aware of a physical assault, threatening behavior, or verbal abuse at the workplace must immediately report the facts and circumstances of the violent incident to their supervisor and/or the contact person identified in the Policy Statement. If an employee witnesses or is involved in an incident of violence in which is an immediate threat to the employee's safety or the safety of others or where a serious injury has occurred, the employee will immediately call 911 to obtain law enforcement and/or medical assistance and 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 Superintendent using the Incident Report in Attachment 5.

If a pattern of workplace violence incidents develops that involve criminal conduct or serious injury, the District will attempt to develop a protocol with the District Attorney or Police to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted.

Retaliation against an employee who makes a report of violence or other violent behavior is strictly prohibited and shall be subject to appropriate corrective or disciplinary measures.

Post-Incident Response

The District has developed procedures to respond to incidents of workplace violence. These include the following as appropriate:

- Assure that injured employees receive prompt and appropriate medical care. (This includes, but is not limited to, providing transportation of any injured persons to medical care. Prompt first aid and emergency medical treatment can minimize the harmful consequences of a violent incident.)
- Report the incident to the appropriate authorities as required by applicable laws and regulations.
- Secure the premises to safeguard evidence and reduce distractions during the post incident response process.
- Assure that an incident report is completed immediately after an incident occurs, noting details that might be forgotten over time. Attachment 5 contains a sample incident report form.
- Address the need for appropriate treatment for employees who were victims of workplace violence. In addition to physical injuries, victims and witnesses may suffer psychological trauma, fear of returning to work, feelings of incompetence, guilt, powerlessness, and fear of criticism by supervisors or managers.
- The District will investigate any reported workplace violence incident thoroughly. All employees should be trained to inform management about any incidents that occur and how to prepare an incident report.

Employee Information and Training

Training of every employee will be performed upon initial assignment and annually thereafter. Retraining is required any time there is a significant change to MACS' workplace violence prevention program, a newly identified risk factor, or a control measure addition. Required training topics are listed in the Training Outline in Attachment 4.

Recordkeeping Requirements

All workplace violence incidents and threats will be documented in a workplace violence incident report. Workplace violence incidents that cause a work-related death or an injury that meets the recording criteria of the Public Employee Safety and Health Bureau (PESH) log of injuries and illnesses should be recorded on both the PESH log and the workplace violence incidents report. For more on the PESH log of injuries and illness, the PESH website linked here: <https://dol.ny.gov/public-employee-safety-health>.

Workplace violence incident reports will provide a written description when an incident occurs so that management can evaluate why the incident occurred and implement an appropriate safeguard or control measure to reduce the risk of such incidents from happening again. The Workplace Violence Incidents Report also creates a historical record. The Workplace Violence Incident Report(s) will be reviewed at least once a year to determine if and how the workplace

violence prevention program should be updated. (A sample incident reporting form is attached as Attachment 5 of this document.)

Program Review

The Superintendent with the Authorized Employee Representative will evaluate the effectiveness of this Workplace Violence Prevention Program, at least annually or after any serious workplace violence incident. The review will focus on determining trends in workplace violence incidents; addressing the root cause of incidents; evaluating the effectiveness of the control measures in place; and determining if any changes need to be made to control measures. The review will also assess whether the reporting and recordkeeping systems have been effective in collecting all relevant information. The cover sheet of this program will be updated with the names and titles of those who perform the review and the date of completion.

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 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 MACS 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 using the complaint form linked here: <https://dol.ny.gov/system/files/documents/2023/09/pesh7.pdf> or by calling 1-844-SAFE-NYS. The completed and signed 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.shnypesh@labor.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, which 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: https://dol.ny.gov/system/files/documents/2023/11/p206_12-10-20.pdf.

Attachment 1
Records Examination

Dates of Assessment: 4/16/2024 and 4/18/2024

Instructions: Examine records below from the previous year. Examine to identify patterns of injuries in particular areas of the workplace or incidents which involve specific operations or specific individuals. Record the results after each.

- Log of Work-Related Injuries and Illnesses
 - ✓ Workers' Compensation Claim Log
 - ✓ PESH Work Related Injuries
 - ✓ Incident Reports

- Summary of Work-Related Injuries and Illnesses
 - 1 death
 - 3 days away from work
 - 1 job transfer or restriction
 - 9 other recordable cases

Attachment 2 Site Risk Assessments

Site Risk Assessments were conducted at each building.

- **Bus Garage 2/13/2024**
- **Palermo Elementary School 2/26/2024**
- **New Haven Elementary School 2/13/2024**
- **Mexico Elementary School 2/13/2024**
- **Mexico Middle School 2/16/2024**
- **Mexico High School 2/2/24**
- Superintendent Dr. Runner and School Resource Officers reviewed all site risk assessments on 3/4/2024.

Risk Factors and Control Measures

Please contact the district office for specifics for a building.

There were various work practice and engineering controls needed to remedy specific risk factors.

Some of those include training for staff in de-escalation techniques and installation of additional security cameras. The risk factors and controls are shared with staff during their building training.

Attachment 3
Assessment of Relevant Policies, Work Practices and Procedures

This review took place on 2/7/ 2024 by Dr. Donna Runner, Superintendent, and Darlene Upcraft, Board Vice-President, and Chair of the Policy Committee (shared with committee members 2/7/24).

Examples of relevant policies include:

- #3411 Prohibition of Weapons on School Grounds
Adopted 05/14/19, reviewed 04/13/21
- #3412 Threats of Violence in School
adopted 07/6/06, last revised 2/11/21
- #3420 Non-Discrimination and Anti-harassment in the District
adopted 07/06/06 last revised 10/19/23
- #3421 Title IX and Sex Discrimination
adopted 2/11/21, reviewed 06/13/23
- #5681 School Safety Plans
adopted 07/06/06, last revised 12/15/22
- #5684 Use of Surveillance Cameras in the District on School Buses
adopted 07/06/06, last revised 5/17/16, reviewed 09/14/21
- #5690 Exposure Control Program
Adopted 07/06/06, last revised 7/02/13, reviewed 10/10/23
- #6121 Sexual Harassment in the Workplace
adopted 07/06/06, last revised 09/21/23
- #6122 Employee Grievances
adopted 07/06/06, last revised 02/25, 2015, reviewed 02/13/23
- #7350 Timeout and Physical Restraint
Currently under review for revision, planned adoption in March of 2024
- #7360 Weapons in School and the Gun-Free Schools Act
adopted 7/06/06, revised 05/14//19, reviewed 5/11/21
- #3210 Visitors to the School
adopted 07/06/06, last revised 01/18/24

- The Policy Committee will investigate the need to include language in current policies, specific daily check-in procedures, itineraries, etc. that would cover any travel needed by the staff member.

District Code of Conduct-reviewed and/or revised annually, last revision 07/11/23 (any revisions require public hearing prior to adoption) Code of Conduct must be approved by the BOE annually.

Examples of work practices and procedures

- Visitor Sign In/Out with Raptor (electronic management system)
- Students sign out after attendance by classroom teacher only with verification of ID of person picking up after checking SchoolTool.
- Check procedures in schools and offices regarding sign in/out by staff.
- Visitor(s) Escort depends on the individual and purpose
- Multiple entrances for drop-off and dismissal-at the elementary and middle school levels supervised by staff, at the High School level administration and the SRO are on site at the bus and student parking area doors.
- One Entrance Used after doors are secured in the mornings
- Desks Clear of Objects which may become weapons. We will need to discuss this with our School Resource Officers, Clerical Unit and Administrative Staff.
- I.D Badges Used
- Left an itinerary with contact information-We do have copies of itineraries, emails, and phone numbers available.
- Have periodic check-in procedures. We need to update protocols for this recommendation.
- After hours contact procedures-The Superintendent's email address and cell phone are widely disseminated; Supervisors have district cell phones so that staff can reach them if needed
- Know procedures if involved in incident (see also Training Section)-Staff are seen by the nurse and sent for additional medical care if warranted. Staff are to complete an incident report outlining the event that took place. The Supervisor signs the report and submits that report to Human Resources.
- Know how to control/defuse potentially violent situations-Staff are trained in de-escalation techniques, with select staff receiving additional training in restraint.
- Supplied with personal alarm/cellular phone/radio-Some staff are issued two-way radios as part of their job responsibilities. All supervisors and secretaries have access to two-way radios. Any staff member can call 911 or a lock down in an emergency. We are currently upgrading safety notification systems as part of our Capital Project.
- Limit visible clues of carrying money/valuables. We should inform staff of this practice.
- Partnering arrangements if deemed necessary-As needed staff can be escorted to various locations

Attachment 4

Workplace Violence Prevention Training Outline

Every employer shall provide each employee with information and training on the risk of workplace violence in their workplace or workplaces at the time of the employee's initial assignment and at least annually thereafter.

Any substantial change to the workplace violence program must be communicated to employees.

Upon completion of the workplace violence prevention program all employees must be provided information and training at a staff meeting.

- 1) Requirements of the regulation (12NYCRR Part 800.6)
- 2) Risk factors specific to the workplace that were identified in the risk evaluation and determination (Step 2 of the How to Comply Guide)
- 3) 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
- 4) Procedures to report incidents of workplace violence
- 5) Location of the written workplace program and how to obtain a copy

Mandated Yearly Training: Vector modules (Provided by Utica National Insurance)

- Supervisors-Workplace Violence Awareness and Prevention
- Employee- Workplace Violence Awareness and Prevention

Yearly In Person: Include staff who are not normally required to attend staff meetings.

- Emergency Management Protocols
- Site Specific Safety Protocols

*This part of the training requirements only applies to employers with 20 or more full-time permanent employees.

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.

Attachment 5
Workplace Violence Reporting Form

MACS Workplace Violence Incident Reporting Form

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

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 physical 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.

Instructions

This report will be completed by the Workplace Violence Prevention Coordinator following a report of workplace violence. It will be maintained for use in the annual Workplace Violence Prevention Program review and update.

Information about the Alleged Victim

(The person alleged to have been injured by the workplace violence.)

NAME: _____

If this is a privacy concern case, "Privacy Concern Case" should be entered above in the NAME section. The District treats incidents involving the following injuries or illnesses as privacy concern case: (1) an injury or illness to an intimate body part or the reproductive system; (2) an injury or illness resulting from a sexual assault; (3) mental illness; (4) HIV infection; (5) needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or potentially infectious material; and (6) other injuries or illnesses, if the employee independently and voluntarily requests that their name not be entered on the Report.

Job Title: _____

Work Address: _____

Home Phone: _____ Cell Phone: _____ Work Phone: _____

Email: _____

Information about the Alleged Perpetrator

(The person alleged to have committed workplace violence.)

NAME: _____

Alleged perpetrator’s relationship to the District:

- Student Employee Job applicant
- Parent/Guardian Volunteer Intern
- Contractor/subcontractor/vendor/consultant Student
- Teacher Other _____

Primary building or location: _____

Further details including, if applicable, grade or title: _____

Alleged perpetrator’s contact information:

Address: _____

Home Phone: _____ Cell Phone: _____ Work Phone: _____

Email: _____

Information about the Alleged Incident

Date: _____ Time: _____

Location: _____

Provide a detailed description of the alleged incident, including events leading up to the incident and how the incident ended:

Describe the nature and extent of any injuries arising from the incident, including the name of the individual(s) injured:

Information about Witnesses

If possible, please list the names and known contact information for any witnesses, individuals who may have information related to this report, or individuals you have discussed the alleged incident(s) with:

District Response

Detail the actions that the District has taken in response to this incident of workplace violence:

Completed by: _____
(name and title)

Completed on: _____
(date)