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Policy Statement

The Rochester City School District is committed to the safety and security of our employees. We understand that workplace violence may present a serious occupational safety hazard to our organization, staff, and students.

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 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.

Acts of violence against any of our employees 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 for each other as well as clients and visitors, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of New York State Labor Law Art. 2 §27-b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that is designed to identify the risks of workplace violence to which our employees could be exposed. Authorized Employee Representative(s) will, at a minimum, be involved in:

1. evaluating the physical environment;
2. developing the Workplace Violence Prevention Program; and
3. reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees will participate in the annual Workplace Violence Prevention Training Program. The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to as quickly as possible upon notification. All personnel are responsible for notifying

the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Title: Chief of Human Capital or Designee

Department: Office of Human Capital

Phone: (585) 262-8384

E-mail: Compliance@RCSDK12.org

Employees or their representatives who believe that a serious violation of the workplace violence prevention program exists or that an imminent danger exists (as defined above), must bring the matter to their supervisor's attention in writing, and must give the district a reasonable opportunity to correct the activity, policy or practice, before notifying the Commissioner of Labor. However, such prior written notice and opportunity for correction is not required if there is an imminent danger or threat to the safety of a specific employee, and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.

The Superintendent may promulgate regulations to further enact the requirements of this policy and the underlying laws.

Cross-ref: [Code of Conduct \(1400\)](#)
[Safe Schools \(8135\)](#)

NYSSBA Ref: Same policy number and name – Required

Ref: [Labor Law §27-b](#)
[12 NYCRR §800.6](#)

Notes: Adopted December 21, 2023 pursuant to [Resolution No. 2023-24: 556](#)

Applicability

Violence or any form of physically disruptive behavior by or against an employee of the RCSD is categorically unacceptable. Our foremost commitment is to safeguard the educational environment and ensure the uninterrupted learning of our students. Any adult found engaging in such behavior will face immediate removal from the premises and may be subject to appropriate disciplinary action, including termination of employment and potential legal consequences.

Central to our mission is the unwavering dedication to providing a safe and nurturing learning environment for all students, including those who are neurodivergent. We affirm every child's fundamental right to a free and appropriate public education.

Students who demonstrate physically disruptive or harmful behaviors towards staff members will face consequences, as we believe that maintaining a respectful and conducive learning environment is paramount to the success and well-being of all students.

In addressing these challenges, we remain steadfast in our commitment to prioritizing the safety, welfare, and educational experience of our students. The RCSD is resolute in its efforts to implement necessary changes and policies that uphold these values and meet the evolving needs of our community.

Relevant Statutes, Standards, and Board Policies

NYS Law	RCSD Policy	Collective Bargaining Agreements
<ul style="list-style-type: none"> ● Labor Law, Section 27-b ● 12 NYCRR Section 800.6 	<ul style="list-style-type: none"> ● Harassment Policy 0100 ● Code of Conduct – Board Policy 1400 ● Workplace Violence Policy - 8130.2 ● Visitors Board Policy – 1240 ● Safe Schools – 8135 ● Time Out/Physical Restraint – Crisis De- Escalation 4321.2 ● Wellness Policy – 5405.2 ● Boundary Invasion 	<ul style="list-style-type: none"> ● RTA Contract ● BENTE Contract ● RAP Contract ● ASAR Contract ● Per Diem Substitute Contract

This policy and program does not negate the requirement to follow all other existing laws, regulations, policies, and applicable collective bargaining agreement which the District is a party to.

Definitions

For purposes of this Policy Directive:

Credible threat of violence means a knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family.

Employee or staff means a person employed by the District.

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.

Supervisor means any person within the District who has the authority to direct and control the work performance of an employee.

Workplace means the work location to which an employee is assigned to work, e.g., elementary school, middle school, District office, or off-school site location such as the Service Center, school bus, sporting event, field trip location, social outings and Employee Wellness events, etc. This also means any location away from an employee's residence, permanent or temporary, where an employee performs any work-related duty in the course of their employment by the District.

Workplace Violence means a physical assault or acts of aggressive or threatening behavior occurring where a public employee performs any work-related duty in the course of their employment.

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 risk of such danger can be eliminated through the enforcement procedures of the workplace violence prevention program.

Serious Physical Harm means creating a substantial risk of death, or which causes death or serious and long-term disfigurement, protracted impairment of health or long-term loss of the function of any bodily organ, or a sexual offense as defined in Article 130 of the Penal Law.

Workplace Violence Prevention Program Coordinator means the individual responsible for overall implementation of the workplace violence prevention program on behalf of the

District. The Chief of Human Capital is assigned this role.

Workplace Violence Prevention Committee means authorized union Representatives and District staff. Each union will have 1 representative on this committee and an alternate. The District may include, but not limited to, the Chief of Human Capital (Chair), Chief of Operations, Director of Facilities, Director of Safety and Security, Emergency Management and Professional Development Coordinator, Sr. Director of Staff Relations, Sr. Director of Employee Benefits and Wellness, and the Occupational Health and Safety Coordinator; or their designee.

Location Risk Assessment Team means a subset of the Workplace Violence Prevention Committee, comprised of the supervisor of the site or their designee (School Principal), worksite security lead (Safety & Security Officer/Lead), worksite facilities lead (Custodian Engineer), Chief of Human Capital or their designee, and representatives from any bargaining unit not otherwise represented on the team, and will conduct the workplace Risk Assessments. The Location Risk Assessment Team is responsible for visiting worksites at least annually in order to conduct a thorough review of workplace risks. Note: not all work locations will have facilities or security staff, those locations will only require relevant staff to participate.

Risk means a spectrum of potential hazards and threats that have the capacity to undermine the safety, well-being, and conducive functioning of our educational environment. This includes but is not limited to conditions or situations that pose a threat of physical assault, acts of violence, verbal assault, intimidation, harassment, or any behavior that creates an atmosphere of fear, discomfort, or hostility at our worksites.

De-Escalation means a technique to peacefully resolve conflicts and reduce tension or assertiveness, often used in situations of heightened emotions.

Mitigation means the act of reducing or preventing the severity, impact, or likelihood of a negative event or risk.

Risk Factors means the characteristics or circumstances that increase the likelihood of experiencing negative outcomes or harm in a given situation.

Risk Management means the process of identifying, assessing, and mitigating risks to minimize their impact on an organization or individual.

Workplace Violence Prevention Program

This policy directive consists of 5 components:

1. Risk Assessment
2. Workplace Violence Risk Factors and District Controls
3. Information and Training
4. Recordkeeping and Recording of Workplace Violence Events
5. Employee Reporting of Workplace Violence Prevention Concerns or Events

Risk Assessment

Each District work site will be evaluated annually to determine the presence of factors which may place employees at risk of workplace violence, using a location based Location Risk Assessment Team. The Location Risk Assessment Team should consist of participation with employee unions, building leadership, and District leadership if needed.

Factors which might place an employee at risk include, but are not limited to:

- working in public settings;
- working alone or in small numbers relative to the number of students in a classroom or school;
- working with students in environments that could pose an increased threat of violence to staff;
- working in a location with uncontrolled or limited control of public access to the workplace; or
- areas of previous security problems.

The Office of Human Capital (OHC) will conduct a review of records of occupational injuries or complaints over the past several years that concern workplace violence to identify patterns or trends and the types, causes, and severities of injuries.

The location based risk assessment and OHC records review, will be shared with the Workplace Violence Prevention Committee, and should be used to identify enhancements and improvements to the District Wide Workplace Violence Prevention Program.

Control measures may vary significantly based on a number of factors including the type of perpetrator and location of the threat of workplace violence. Control measures include 1) engineering controls (controls that eliminate hazards through substitution or

design, such as increased lighting or door locks), 2) Work Practice controls (changing organizational policies or procedures, such as visitor access policies in buildings), or 3) Personal Protective Equipment (physical safeguards to prevent injury, such as scratch guards for staff working with students who bite or scratch)

Workplace Violence Risk Factors and District Controls

Risk Factors	Reactive Strategies	Preventative Strategies
Student Behavioral Issues		
Verbal or physical aggression from students towards staff members.	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Implement clear disciplinary procedures and consequences for disruptive behavior. ● Isolate the student, if possible, and speak in a quiet voice - do not match the student energy. <p>Personal Protective Equipment</p> <ul style="list-style-type: none"> ● Scratch Guards are available for any staff member who works with students who bite or scratch. 	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Establish crisis response protocols to address violent incidents involving students. ● Follow up with student(s) after the incident to initiate restorative meetings.
Bullying, harassment, or threats directed at teachers or other school personnel		
Disputes or conflicts between students that escalate into violence		
Parental or Guardian Interactions		
Confrontations with parents or guardians regarding disciplinary actions, academic performance, or personal disputes involving their children	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Establish protocols for addressing complaints or grievances from parents in a timely and respectful manner. 	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Implement protocols for screening and monitoring visitors to the school campus to prevent unauthorized access.
Disagreements over school policies, decisions, or perceived injustices		
Intruders or Trespassers		

Risk Factors	Reactive Strategies	Preventative Strategies
Unauthorized individuals gaining access to school premises, including former students, disgruntled community members, or individuals with malicious intent	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Activate emergency response protocols, including lockdown procedures, when unauthorized individuals are identified on school premises. ● Collaborate with law enforcement agencies to conduct thorough investigations and apprehend intruders. ● Provide training for staff on recognizing suspicious behavior and reporting security concerns. 	<p>Engineering Controls</p> <ul style="list-style-type: none"> ● Enhance physical security measures such as perimeter fencing, access control systems, and surveillance cameras. ● Use of scanning devices during the school day and at appropriate after school activities. <p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Conduct regular security assessments and audits to identify vulnerabilities and implement corrective measures. ● Educate the school community on the importance of vigilance and reporting any unusual or concerning activity.
Intrusions by individuals seeking to cause harm, commit theft, or disrupt school activities		
Staff Interactions		
Interpersonal conflicts among staff members, including disputes over roles, responsibilities, or professional disagreements	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Establish clear expectations and guidelines for professional conduct and address any violations promptly and consistently. ● Enforce disciplinary actions for staff members engaged in misconduct or inappropriate behavior. 	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Promote a positive and inclusive work culture that values diversity, collaboration, and mutual respect. ● Offer training on effective communication, conflict resolution, and team building to enhance interpersonal relationships among staff. ● Offer mediation and conflict resolution services to address interpersonal disputes among staff members. ● Provide counseling or support services for staff members experiencing harassment, bullying, or discrimination.
Harassment, bullying, or intimidation among colleagues		

Risk Factors	Reactive Strategies	Preventative Strategies
External Community Factors		
Proximity to high-crime areas or neighborhoods with elevated levels of violence, which may pose risks to staff members traveling to and from school	<p>Engineering Controls</p> <ul style="list-style-type: none"> ● Use of scanning devices during the school day and at appropriate after school activities. 	<p>Engineering Controls</p> <ul style="list-style-type: none"> ● Use of scanning devices during the school day and at appropriate after school activities.
Lack of access to mental health resources or support for students or staff members in need	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Use of Lockdown and Lockout procedures 	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Monitor local news and community events to anticipate potential disruptions or protests that may impact the school environment. ● Coordinate with law enforcement agencies to deploy additional security measures or resources during periods of heightened tension or unrest. ● Communicate with parents and stakeholders to provide updates and guidance on safety precautions in response to external threats. ● Build positive relationships with community organizations, leaders, and law enforcement agencies to promote cooperation and mutual support. ● Offer community outreach programs and initiatives to address underlying social issues and promote community cohesion. ● Develop emergency preparedness plans that include strategies for managing external threats and maintaining the safety of students and staff.

Risk Factors	Reactive Strategies	Preventative Strategies
Mental Health Issues		
<p>Individuals experiencing mental health crises or emotional distress, which can manifest in unpredictable or aggressive behavior</p> <p>Lack of access to mental health resources or support for students or staff members in need</p>	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Provide immediate access to mental health support services for students or staff members experiencing crisis situations or emotional distress. ● Establish protocols for assessing and addressing threats of self-harm or harm to others posed by individuals with mental health issues. 	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Train staff on recognizing signs of mental health crises and responding with empathy and appropriate intervention. ● Promote mental health awareness and destigmatize seeking help through educational campaigns and resources. ● Implement school-wide initiatives to support social-emotional well-being, resilience, and stress management. ● Strengthen partnerships with community mental health providers to ensure timely access to counseling, therapy, and other services.
Substance Abuse		
<p>Incidents involving individuals under the influence of drugs or alcohol, potentially leading to impaired judgment, erratic behavior, or confrontations</p>	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Enforce strict policies prohibiting the possession or use of drugs and alcohol on school premises and implement consequences for violations. ● Collaborate with law enforcement agencies to address drug-related incidents and investigate sources of substance abuse. ● Provide training for staff on recognizing signs of substance abuse and intervening early with appropriate support and 	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Provide support and referrals to students or staff members struggling with substance abuse issues. ● Offer substance abuse prevention programs and educational initiatives targeting students, parents, and staff. ● Promote healthy lifestyle choices and alternatives to substance use through extracurricular activities, clubs, and peer support groups.

Risk Factors	Reactive Strategies	Preventative Strategies
	resources.	<ul style="list-style-type: none"> ● Provide training for staff on recognizing signs of substance abuse and intervening early with appropriate support and resources.
Workplace Culture and Climate		
Hostile or toxic work environments characterized by bullying, harassment, discrimination, or lack of support for staff members	<p><i>Work Practice Controls</i></p> <ul style="list-style-type: none"> ● Conduct investigations and disciplinary actions in response to reports of harassment, discrimination, or hostile work environments. 	<p><i>Work Practice Controls</i></p> <ul style="list-style-type: none"> ● Offer counseling, mediation, or conflict resolution services to address interpersonal conflicts and improve workplace relationships. ● Implement measures to protect whistleblowers and individuals reporting instances of misconduct or wrongdoing. ● Establish clear expectations for professional conduct, respect, and inclusivity through written policies, codes of conduct, and training programs. ● Foster a culture of transparency, accountability, and trust through regular communication, feedback mechanisms, and opportunities for input. ● Provide leadership training and support for supervisors and administrators to promote positive work environments and effective conflict resolution.
Inadequate conflict resolution mechanisms or channels for addressing grievances, leading to unresolved tensions		
Social Media and Cyberbullying		

Risk Factors	Reactive Strategies	Preventative Strategies
<p>Online harassment, cyberbullying, or threats targeting students, staff, or the school community</p> <p>Negative consequences of social media interactions, including defamation, rumor-spreading, or harassment</p>	<p>Engineering Controls</p> <ul style="list-style-type: none"> Gaggle <p>Work Practice Controls</p> <ul style="list-style-type: none"> Investigate reports of cyberbullying or online harassment involving students, staff, or members of the school community. Enforce disciplinary actions for individuals engaging in cyberbullying or violating acceptable use policies for technology. 	<p>Work Practice Controls</p> <ul style="list-style-type: none"> Provide counseling and support services for victims of cyberbullying to address the emotional and psychological impact. Educate students, parents, and staff on responsible digital citizenship, online safety, and the consequences of cyberbullying. Implement policies and procedures for monitoring and addressing inappropriate online behavior within the school community. Collaborate with technology companies, social media platforms, and community organizations to promote online safety and combat cyberbullying.
<p>Weapons Possession</p>		
<p>Presence of weapons or dangerous objects on school premises, either brought by students, visitors, or intruders, posing a threat of violence</p>	<p>Engineering Controls</p> <ul style="list-style-type: none"> Use of scanning devices during the school day and at appropriate after school activities. <p>Work Practice Controls</p> <ul style="list-style-type: none"> Implement immediate response protocols in the event of weapons-related incidents, including lockdown procedures and notification of law enforcement. 	<p>Engineering Controls</p> <ul style="list-style-type: none"> Use of scanning devices during the school day and at appropriate after school activities. <p>Work Practice Controls</p> <ul style="list-style-type: none"> Conduct thorough investigations to identify the source of weapons and prevent future incidents. Provide counseling and support services for

Risk Factors	Reactive Strategies	Preventative Strategies
	<ul style="list-style-type: none"> ● Enforce zero-tolerance policies for weapons possession on school premises and communicate consequences to students, parents, and staff. 	<p>students or staff members affected by weapons-related incidents.</p> <ul style="list-style-type: none"> ● Offer programs and initiatives to promote conflict resolution, non-violent communication, and positive alternatives to aggression. ● Collaborate with law enforcement agencies to conduct periodic sweeps and searches for weapons, as well as educational outreach on firearm safety and prevention.
Miscellaneous		
<p>School funds, such as cash collections from fundraisers, lunch money, or event ticket sales, may be vulnerable to theft by individuals with access to cash-handling procedures</p>	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Enforce disciplinary actions and legal consequences for individuals found guilty of financial wrongdoing or misappropriation of funds. 	<p>Work Practice Controls</p> <ul style="list-style-type: none"> ● Implement procedures for reporting and investigating instances of theft, embezzlement, or financial misconduct involving school funds. ● Conduct audits and financial reviews to identify discrepancies, irregularities, or signs of financial mismanagement. ● Establish robust internal controls for the handling, storage, and accounting of school funds, including segregation of duties and dual authorization for transactions. ● Provide training and guidance for staff members responsible for handling money, including cashiers, treasurers, and administrative personnel.

Risk Factors	Reactive Strategies	Preventative Strategies
		<ul style="list-style-type: none">● Regularly review and update financial policies, procedures, and safeguards to adapt to changing circumstances and minimize vulnerabilities.

Information and Training

Training will be provided to all staff upon hire and annually thereafter.

Training will include:

- key definitions
- identified risk factors and steps RCSD takes to mitigate those risks
- An opportunity to ask questions
- Will ensure employees understand reporting opportunities and contact information of key staff

All employees will be trained on the requirements of the Workplace Violence Prevention Law. This training will include the risk factors and workplace violence prevention measures taken by RCSD.

The following topics will be addressed in the training, and will be as specific as possible to the unique hazards posed in certain work locations, as per the findings in the risk assessment:

- What is workplace violence?
- What is management's commitment to preventing and minimizing the hazards of workplace violence?
- What are some techniques on how to recognize and avoid workplace violence situations?
- How should a workplace violence occurrence be reported?
- If an employee is dissatisfied with the employer's investigation or the employee is under the threat of imminent harm, what are the next steps that they can take?
- Where can employees go for assistance?

Such training shall include information on the District's Workplace Violence Prevention Program, identified risks, and other relevant information to ensure the safety of staff and students.

District employees will be informed of any additional District policies or resources (such as Board policies or training) relevant to the issue of workplace violence.

Employees will be informed and reminded of the availability of the Employee Assistance Program and other resources that are available to help them deal with stressful situations in their personal or work lives that may contribute to the potential for workplace violence. Below please find the contact information for available Resources.

Employee Assistance Program (EAP)

ENI

Phone: 800-EAP-CALL (800-327-2255)

www.BreeHealth.com

Company Code: 9045



Recordkeeping and Recording of Workplace Violence Events

The District maintains a WPV report that contains the following:

- Workplace location where event occurred;
- Time of day/ shift when event occurred;
- A detailed description of the occurrence, including events leading up to the occurrence and how the occurrence ended;
- Names and job titles of involved employees;
- Name or other identifier of other individual(s) involved;
- Nature and extent of injuries arising from the event; and
- Names of witnesses.

The Workplace Violence Report should be filled out as close to the occurrence of an event as possible. The Workplace Violence Prevention Committee will be notified of Workplace Violence incidents at a minimum of a bi-annual basis.

The Workplace Violence Report will be maintained by the Office of Human Capital and shared with the WPV Committee.

The WPV Committee shall conduct an annual review of the data contained in the Workplace Violence Reports at least bi-annually to identify trends in the types of events in the workplace and review of the effectiveness of the mitigating actions taken.

Employee Reporting of Workplace Violence Prevention Concerns or Events

A safe workplace is in the best interests of all persons at a given work site, and good communication can be key in preventing areas of concern from becoming more serious problems. It is therefore District expectation that leaders ensure the channels of communication with employees are open, such that they can relay their concerns and/or report troubling incidents observed in the workplace, without fear of retaliation.

It is also the District's expectation that notice of possible serious violations of the workplace violence prevention program, the existence of a situation that creates a risk of workplace violence, or an imminent risk of workplace violence, be verbally conveyed by employees to supervisors or other appropriate parties, to enable the matter to be promptly assessed and appropriate action taken when possible.

Below are the steps that employees, or the employee's authorized union representatives should take if they believe there is a violation of the Workplace Violence Prevention program or if there are serious risks. It is encouraged that employees notify their union as well when making these reports so your union can support you in obtaining resolution to your concerns.

Report the incident to your immediate supervisor. This report may be verbal, but it is recommended that you document the complaint in writing as well. If the concern is an immediate threat, it is acceptable to provide a verbal report to a supervisor and follow up later with written documentation.

If no resolution occurs, please email Workplace_Violence@rscdk12.com with your concerns. The Office of Human Capital will ensure the complaint is investigated by the appropriate parties and any necessary remediation occurs.

If, following a referral of a matter to the Office of Human Capital and after providing a reasonable opportunity to correct the matter it remains unresolved or, if an imminent risk of danger exists, such employee may request an inspection by notifying the Public Employee Safety and Health Bureau (PESH), provided, however, that any information that identifies a student shall not be disclosed except in accordance with federal and state confidentiality laws governing the disclosure of protected student information.

Assessing apparent threats of violence made by students: Many credible threats of violence made by students could constitute workplace violence events under this policy. To determine what constitutes a credible threat of violence made by a student, employees and supervisors should evaluate the student's behavior in the context of a student's

educational background. All incidents should nevertheless be reported, and the Workplace Violence Committee can evaluate all relevant factors in reviewing workplace violence data or updating risk assessments. No employee shall ever be prevented from completing the workplace violence reporting form by District supervisory or administrative staff when that employee believes they have been subject to a credible threat of violence.

The Commissioner of the NYS Department of Labor is authorized to inspect premises pursuant to an employee complaint of a violation of the Workplace Violence Prevention Program.

The current PESH administrative plan will be used to satisfy compliance with the Workplace Violence Prevention Law (Section 27-b of the Labor Law), including a general schedule of inspections, which provides a rational administrative basis for such inspection.

The District shall not take retaliatory action against any employee because the employee exercises their rights established in Section 27-b of the Labor Law.