
 Corrections and Community Supervision	TITLE Workplace Violence Prevention Program		NO. 4960
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DIRECTIVE			
SUPERSEDES DIR #4960 Dtd. 05/24/16	DISTRIBUTION A	PAGES PAGE 1 OF 15	DATE LAST REVISED
REFERENCES (Include but are not limited to) NYS Labor Law, Section 27-b; 12 NYCRR, Part 800.6; Article 14 of Civil Service Law; Workers' Compensation Law; Labor Law Section 27-a; ACA Expected Practice 4-APPFS-3B-07; Various DOCCS directives		APPROVING AUTHORITY 	

- I. **PURPOSE:** In accordance with New York State Labor Law, Section 27-b, public employers are required to develop and implement programs to prevent, minimize, and respond to incidents of Workplace Violence. The New York State Department of Labor (DOL) has outlined the specific program requirements for all affected employers in Title 12 NYCRR Part 800.6.
- II. **POLICY:** In accordance with the regulation, the policy as stated in this directive was developed with full employee participation with input provided by the authorized employee representatives. A major part of the Department of Corrections and Community Supervision's (DOCCS) core mission is to enhance public safety by providing appropriate treatment services for all inmates, followed by supportive services for all parolees under community supervision to facilitate a successful completion of their sentence. This can only be done in workplaces (correctional facilities, field offices, and administrative offices) that are safe, secure, and, to the extent possible, free from Workplace Violence. There are many directives and procedures currently in effect which all work together to create a strong and responsive Workplace Violence Prevention Program (WVPP). The Department does not tolerate Workplace Violence. The policy statement from the Commissioner regarding [WVPP](#) will be posted conspicuously on employee bulletin boards, in all correctional facilities, field offices, and administrative offices.

The Department is committed to ensuring that any potential risk of Workplace Violence is evaluated by both the Department and Union Representatives as soon as possible. It remains the responsibility of all employees to report all threatening behavior and incidents of Workplace Violence, whether from an inmate, parolee, the general public, or another employee, to their immediate supervisor through a memorandum or existing reporting systems, or to the Superintendent, Bureau Chief, Regional Director, Division Head, or Union Representative so appropriate evaluation and action can take place (see Sections IV-C and V-B).

The Department recognizes that the input of its employees is an important component of this Program. Therefore, retaliatory action against any employee that submits a report of Workplace Violence will not be tolerated. Employees are also encouraged to provide suggestions that may improve working conditions with the goal of preventing any future Workplace Violence incidents.

- A. Workplace Violence risk factors within the Department include (but are not limited to) the following:
 - 1. Potential risk of assault from inmates/parolees
 - 2. Potential exposure to violent conduct from inmates/parolees
 - 3. Potential exposure to threats from inmates/parolees
- B. The methods the Department utilizes to prevent incidents of Workplace Violence are:
 - 1. Security Controls
 - 2. Written directives, policies, and procedures as described in Section IV
 - 3. Employee training as described in Section VI
 - 4. Personal Protective Equipment
 - 5. Risk evaluations as described in Sections IV-A and V-A

III. DEFINITIONS: As used in or in connection with this directive, the following terms are defined as indicated below:

- A. Authorized Employee Representative: An employee authorized by the employees or the designated representative of an employee organization, recognized or certified to represent the employees pursuant to Article 14 of Civil Service Law. For the purposes of this directive, these individuals will be referred to as Union Representatives.
- B. Imminent Danger: Any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such can be eliminated through the enforcement of the procedures as outlined in this directive.
- C. Retaliatory Action: The discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.
- D. Risk Evaluation and Determination: An employer's inspection or examination of its workplace, with the participation of Union Representatives, to determine if factors exist that might place employees at risk of Workplace Violence. Refer to Sections IV-A and V-A for requirements.
- E. Serious Violation: A serious violation of the employer's Workplace Violence Prevention Program is the failure to:
 - 1. Develop and implement a Program; or
 - 2. Address situations which could result in serious physical harm.
- F. Supervisor: Any person within the employer's organization who has the authority to direct and control the work performance of an employee, or who has the authority to take corrective action regarding the violation of a law, rule, or regulation to which an employee submits written notice.
- G. Workplace: Any location, permanent or temporary, away from an employee's domicile where an employee performs any work-related duty in the course of his or her employment by an employer.

- H. Workplace Violence: Any physical assault or acts of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including, but not limited to:
1. An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
 2. Any intentional display of force which would give an employee reason to fear or expect bodily harm;
 3. Intentional and wrongful physical contact with a person without his or her consent that entails some injury;
 4. Verbal abuse that would give a person a reason to fear escalation and bodily harm; or
 5. 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.
- I. Workplace Violence Committees
1. Workplace Violence Prevention Program Committee (WVPPC): This committee is specific to each correctional facility and Community Supervision region, and is designated to review any incidents and reports of Workplace Violence. It shall be comprised of the facility/region's Executive Staff and Union Representatives from all of the unions represented at the facility/region. The committee shall record the results of these meetings via the standardized [Form #4960A](#), "Workplace Violence Prevention Program Committee Meeting Minutes." The committee shall also conduct an annual Risk Evaluation and Determination as outlined in Section IV for correctional facilities and in Section V for Community Supervision field offices.
NOTE: Each correctional facility's and community supervision office's physical environment and operations may differ somewhat based on specific programs and operational needs. During the annual Risk Evaluation and Determination any unique condition should be reviewed and appropriate measures taken with the goal of preventing Workplace Violence incidents.
 2. Central Office and Satellite Location Workplace Violence Prevention Committee (COWVPC): This committee is comprised of Department staff as determined by the Commissioner and Union Representatives as designated by each Union. The committee shall review incidents of Workplace Violence and conduct an annual review of the Central Office and Satellite Location Workplace Violence Prevention Program.
 3. Statewide Workplace Violence Prevention Committee (SWVPC): This committee is comprised of Department staff as determined by the Commissioner and Union Representatives as designated by each Union. The main functions of this committee are to conduct an annual review of the Department's overall Workplace Violence Prevention Program and to review Workplace Violence Prevention Program related issues with Statewide implications.

J. Workplace Violence Types

1. Criminal Intent: Violent acts by perpetrators who have no legitimate connection with the workplace, but who commit a crime against an employee.
2. Visitor/Inmate/Parolee: Violence directed at employees by individuals under the supervision of the Department, or any other person who receives services from or has business with the Department or its employees.
3. Co-Worker: Violence among coworkers, supervisors, managers, or subordinates.
4. Personal: Violence in the workplace by someone who has a personal relationship with an employee. Please refer to Directive #2003, "Domestic Violence and the Workplace Policy."

- K. Workplace Violence Incident Log: A manual or electronic log that will be maintained by the Deputy Superintendent for Security (DSS) for Correctional Facilities, Community Supervision Regional Directors, and the Central Office Liaison to record incidents of Workplace Violence that are not captured by the automated reporting systems. Workplace Violence incidents or issues that are reported via correspondence or memorandum shall be reported in this log. The log shall contain the following fields: date, time, location, description of incident, injuries, witnesses, and action taken.

IV. WVPP – CORRECTIONAL FACILITIES, CENTRAL OFFICE AND SATELLITES

- A. Risk Evaluation and Determination: Due to the risks involved in the daily operation of correctional facilities, the Department continuously evaluates security risk issues through a variety of reporting mechanisms and inspection procedures as defined in numerous Departmental policies. The Department will undertake periodic Risk Evaluations and Determinations in accordance with the regulation.
1. An initial risk assessment shall be conducted for each facility, Central Office, and satellite location. Thereafter, risk assessments shall be:
 - a. conducted after any major physical changes (construction, change of use, etc.) to the work environment;
 - b. reviewed after a serious workplace violence incident;
 - c. inspected/updated as part of the monthly facility safety and environmental services inspection; and
 - d. discussed as part of the annual Workplace Violence Prevention Program Committee meeting.

The risk evaluation of the physical environment shall be carried out at correctional facilities by the Environmental Services Committees. In accordance with Directive #4066, "Facility Safety and Environmental Services Inspections," these committee members conduct monthly inspections of all areas of the facility. These inspections are documented on [Form #2098](#), "Monthly Safety, Environmental Services and Workplace Violence Inspection Report," which includes Workplace Violence risk factors. These forms will be forwarded to the DSS when a Workplace Violence risk is identified for evaluation and appropriate action if necessary. This committee is composed of facility supervisory staff, as well as Union Representatives, and meets monthly to review the results of the inspections and ensure appropriate actions are taken in response to any reported deficiencies (also see Section IV-A-2-c below).

A second major component of the Department's Risk Evaluation and Determination is the review of recordable accidents and illnesses. In accordance with Directive #4065, "Reporting Injuries and Occupational Illnesses," Workers' Compensation Law, and Labor Law Section 27-a, all recordable employee accidents and illnesses are documented and investigated. The Fire and Safety Officer maintains these incident reports and also records them in corresponding logs.

Additionally, recordable accidents and illnesses are maintained via the Department of Labor Form SH-900, "Log of Work-Related Injuries and Illnesses," and the SH-900.1, "Summary of Work-Related Injuries and Illnesses." The SH-900 log and SH-900.1 report shall be reviewed annually, during the month of February, by the WVPPC.

The Fire and Safety Officer, when maintaining the logs, will forward any potential Workplace Violence-related reports to the DSS for review and appropriate action if necessary. The Central Office and Satellite Location Liaison shall provide the COWVPC with the SH-900 log and SH-900.1 report for those locations.

In accordance with Title 12 NYCRR, Part 800.6(g)(2), the Department will follow a hierarchy of controls consisting of engineering controls, operational procedures, and the use of personal protective equipment as described in Directive #2121, "Personal Protective Equipment."

Issues and incidents requiring immediate attention shall be addressed as they are identified. Additionally, the Department has determined that the DSS or equivalent at each facility will collect reported Workplace Violence incidents for review by the Workplace Violence Prevention Program Committee (see Section VIII-B below for privacy concerns) as a means to address correctable issues and ensure follow up action is taken if deemed necessary. Facility Operation Manuals (FOMs) shall be reviewed annually in accordance with Directive #6920, "System of Internal Controls."

NOTE: For Central Office and Satellite Locations, the collection of reported incidents for review will be carried out by a Liaison as designated by the Commissioner (Central Office Liaison). Risk evaluations at these locations shall be performed by Department staff and Union Representatives under the coordination of the Central Office Liaison and documented on [Form #4960C](#), "Workplace Violence Prevention Risk Evaluation Results."

2. Workplace Violence Risk Evaluation Data: Workplace Violence related data is recorded and reviewed as part of established Department reporting mechanisms. Examples of some of these data generating mechanisms and reporting procedures for correctional facilities include:
 - a. Unusual Incident Reporting System: Statewide electronic system utilized to categorize Unusual Incidents as defined in Directive #4004, "Unusual Incident Report." There are several categories of Unusual Incidents that fall under the definition of a Workplace Violence incident.
 - b. Watch Commander's Log: In accordance with Directive #4008, "Watch Commander's Log," logbook that is maintained by the designated Watch Commander to chronologically record all significant events as they occur during each tour and serves as a reference record for the Executive Team and supervisory staff.

- c. **Monthly Safety and Environmental Services Inspection Reports:** In accordance with Directive #4066, "Facility Safety and Environmental Services Inspections," each facility has a committee that shall be composed of both managerial staff and Union Representatives. Each meeting shall continue to be a forum in which concerns and suggestions for improvement in workplace conditions can be resolved.

Each month committee members tour designated areas of the facility and report their findings on the monthly inspection report ([Form #2098](#)). These meetings allow for the review of conditions or practices that could lead to potential incidents of Workplace Violence.
 - d. **Inmate Disciplinary System:** The Department's three-tiered disciplinary system reports incidents of inmate misbehavior regarding a wide variety of rule violations including assaults and threats on staff. The Hearing Officer has the discretion to impose various confinement/loss of privileges sanctions.
 - e. **Population Management Committees:** Comprised of facility personnel as designated by the First Deputy Superintendent or DSS. This committee monitors certain inmate activity and routinely evaluates information which is obtained from all areas ensuring data is collected in one central area.
3. Examples of some of these data generating mechanisms and reporting procedures for correctional facilities and Central Office/Satellite Locations include:
- a. **Labor Management Meeting Minutes:** Local labor management meetings (see Directive #2104, "Local Labor/Management Committees") are a forum for management and labor to discuss issues of interest in an attempt to reach mutually acceptable resolutions and to foster good communications and to provide a safe workplace.
 - b. **Review of Reported Occupational Accidents/Injuries:** In accordance with Directive #4065, "Reporting Injuries and Occupational Illnesses," recordable occupational injuries are investigated by the facility Fire and Safety Officer and the area supervisor or Central Office or Satellite Location Liaison.
 - c. **Self-Assessment Guides:** In accordance with Directive #6921, "Accreditation Program," every facility completes an annual Self-Assessment Guide that is an audit tool with questions covering a broad range of facility policies and procedures from every major discipline. Negative responses require explanation and are followed up with appropriate Central Office staff.
 - d. **Departmental Correspondence:** In accordance with Directive #0010, "Departmental Correspondence," correspondence which defines or interprets Department policy, discusses sensitive or controversial matters, concerns the welfare of inmates, or concerns institutional security will be sent to the Superintendent. All Workplace Violence-related correspondence, including employee/supervisory memorandums, is to be responded to as quickly as possible and, if deemed necessary, referred to appropriate Department Divisions (e.g., Office of Special Investigations (OSI), Office of Diversity and Inclusion (ODI), Bureau of Labor Relations, etc.) for response (see Section IV-C for reporting/recording procedures).

e. Workplace Violence Incident Log: Refer to Section III-K.

NOTE: Workplace Violence incident reporting is not limited to these processes. The expectation is that workplace administrators and Union Representatives at each workplace have an intimate knowledge of the physical layout, areas, and policies that could impact the risk evaluation component.

- B. Additional Protocols: Each Superintendent and the Liaison for Central Office and Satellite Locations shall institute this Workplace Violence Prevention Program that shall include the following:
1. A procedure whereby, at the time of their initial assignment, and annually thereafter, each employee will be informed and trained on the risks of potential Workplace Violence (see Section VI for training program details).
 2. The requirement that the WVPPC and COWVPC will meet at least annually during the month of February, or as necessary, to be involved in the evaluation of the physical environment, development of the Workplace Violence Prevention Program and the review of the Workplace Violence incidents reported, if any, and the review of the effectiveness of any mitigating actions taken.
 3. All staff that generate or review incidents that may be Workplace Violence related shall receive training to ensure that all incidents of Workplace Violence are forwarded to the DSS for appropriate action.
 4. Continued utilization and implementation of all DOCCS directives which encompass the Department's core mission, which shall include: identifying, reporting, investigating, and mitigating, if necessary, any Workplace Violence-related issues. Applicable directives include, but are not limited to:
 - a. Directive #0700, "Office of Special Investigations (OSI)"
 - b. Directive #2003, "Domestic Violence and the Workplace Policy"
 - c. Directive #2602, "Diversity Management Complaints"
 - d. Directive #2605, "Sexual Harassment in the Workplace"
 - e. Directive #4004, "Unusual Incident Report"
 - f. Directive #4006, "Reporting Inmate Attitude and Behavior"
 - g. Directive #4008, "Watch Commander's Log"
 - h. Directive #4018, "Security Classification Guidelines"
 - i. Directive #4026, "Critical Incident Stress Management Plan"
 - j. Directive #4064, "Facility Safety"
 - k. Directive #4065, "Reporting Injuries and Occupational Illnesses"
 - l. Directive #4066, "Facility Safety and Environmental Services Inspections"
 - m. Directive #4091, "Logbooks"
 - n. Directive #4803, "Inmate Program Placement"
 - o. Directive #4910, "Control of & Search for Contraband"
 - p. Directive #4930, "Tool Control"
 - q. Directive #4932, "Chapter V, Standards Behavior & Allowances"

- r. Directive #4936, "Search of DOCCS Employees"
 - s. Directive #6910, "Criminal Prosecution of Inmates"
 - t. Directive #6920, "Internal Controls"
- 5. Incidents that may require criminal prosecution shall be referred to the appropriate law enforcement agencies in accordance with Department policy.
 - 6. A Statewide Workplace Violence Prevention Committee comprised of key Department staff as designated by the Commissioner and Union Representation shall be established. This committee shall meet at least annually during the month of April, or as necessary, to review Workplace Violence issues of Statewide significance and to conduct a review of the Department's Workplace Violence Prevention Program policy.

C. Reporting Requirements

- 1. Each employee who believes that he or she is the victim of Workplace Violence is to submit a written report (i.e., memorandum or [Form #4960D](#), "Workplace Violence Incident Report") to his or her immediate supervisor, or to the Superintendent or Union Representative. It remains the responsibility of all employees to report all threatening behavior, whether from an inmate, the general public, or an employee, to supervisory staff immediately so appropriate action can take place.

NOTE: Instances of inmate misbehavior shall continue to be reported via [Form #2171](#), "Inmate Misbehavior Report," in accordance with Directive #4006, "Reporting Inmate Attitude and Behavior."

- a. The memorandum shall provide all necessary details (e.g., date, time, location, description, injuries, witnesses, names and titles of involved employees, etc.) regarding the incident including the names (or descriptions) of those involved.
 - b. The supervisor must take appropriate action, if necessary, and then forward the memorandum to the DSS Office to ensure it is documented in the Workplace Violence Incident Log.
 - c. Any employee who reports an alleged incident of Workplace Violence, in accordance with Section IV-C-1, above, will have their report responded to in writing by the facility, bureau, or agency, including a finding and disposition of the report within a reasonable time following the completion of the investigation.
- 2. A record of all reported incidents of Workplace Violence will be forwarded to the DSS or to the Liaison for Central Office and Satellite Locations. The DSS and the Central Office Liaison will collect the reports, as described below, to be maintained for internal review, inspection by DOL inspectors, if necessary, and for presentation to the WVPPC during the annual review in February. The annual review shall include a summary of Workplace Violence incidents to identify any potential risk factors or trends, and review of applicable directives and local procedures that enhance the Workplace Violence Program.

- a. Unusual Incident Reports (UIR): depict an incident of Workplace Violence, as defined in this policy, shall be identified upon review of the final report and forwarded to the DSS. In conjunction, an automated report will be generated monthly and forwarded to the DSS at each facility.
- b. Facility Inmate Disciplinary System: Inmate misbehavior reports that contain incidents of Workplace Violence will be identified. An automated report will be generated monthly and forwarded to the DSS at each facility.
- c. Population Management Committees: Information reported by this committee is a critical component for Risk Evaluation and Determination. This committee reviews trends and reports from various areas of the facility to mitigate potential problems and to take corrective action when necessary. The DSS is responsible to ensure that appropriate information from this committee is reviewed by the WVPPC. However, it should be noted that the DSS has the discretion to withhold confidential security information or personal information described in Section VII, which, if disclosed, could compromise the secure and orderly operation of the facility.
- d. Departmental Correspondence: In accordance with this directive, any correspondence (including memorandum) received from an employee, supervisor, or Union Representative that involves an incident of Workplace Violence shall be evaluated. If it is determined that a reported incident meets the criteria for an Unusual Incident or Misbehavior Report and neither has been filed, then such reports shall be immediately prepared. Reported incidents that do not meet the criteria of an Unusual Incident or Misbehavior Report shall be forwarded to the DSS for entry into the Workplace Violence Incident Log as referenced in Section III-K.

NOTE: If a reported incident of Workplace Violence has been documented as a UIR or Inmate Misbehavior Report, no additional reporting is required.

- e. The facility Executive Team will ensure that follow up action has been taken, if deemed necessary, which may include referral to areas such as the Office of Diversity and Inclusion (ODI), OSI, Bureau of Personnel, or BLR, Employee Assistance Program, etc.

3. Unresolved issues raised by the WVPPC shall be forwarded to the SWVPC.

V. WVPP - COMMUNITY SUPERVISION PROTOCOLS FOR REGIONAL AND FIELD OFFICES

A. Risk Evaluation and Determination

The Workplace Violence Prevention Risk Evaluation and Determination is intended to evaluate the presence of Workplace Violence risk factors. Identification and evaluation of risk factors in a structured and systematic way will enable Community Supervision to develop measures to reduce Workplace Violence. Involvement of employees and their Union Representatives is a critical component of the Workplace Violence Prevention Program and increases the likelihood that all significant risk factors are identified and that safety measures are feasible and effective.

In accordance with 12 NYCRR, Part 800.6(g)(2), the Department will follow a hierarchy of controls consisting of engineering controls, operational procedures, and the use of personal protective equipment as described in Directive #2121, "Personal Protective Equipment."

1. Risk evaluations for each work location shall be conducted under the supervision of the Regional Director/Assistant Regional Director/Bureau Chief as follows:
 - a. An initial risk evaluation shall be conducted utilizing the applicable evaluation tool, [Form #4960B](#), "Community Supervision Risk Evaluation." An initial evaluation will be conducted for a new work location prior to move in.
 - b. Thereafter, risk assessments shall be:
 - (1) conducted after any major physical changes (construction, change of use, etc.,) to the work environment;
 - (2) reviewed after a serious workplace violence incident;
 - (3) inspected/updated as part of the monthly facility safety and environmental services inspection; and
 - (4) discussed as part of the annual Workplace Violence Prevention Program Committee meeting.
 - c. Complaint evaluations will be conducted if an employee complains to his or her supervisor about a risk of Workplace Violence, evaluating the specific alleged risks.
 - d. A post evaluation shall be conducted using the [Form #4960C](#), "Workplace Violence Prevention Risk Evaluation Results."
2. Responsibility for Conducting Risk Evaluations and Determinations: In each Community Supervision worksite, risk evaluations are to be conducted by worksite teams comprised of a member of management and a member from the PEF, CSEA, and NYSCOPBA Health and Safety Committee, or their respective designees.
3. Each workplace risk evaluation shall be reviewed at the regional level, to identify trends and provide opportunities to minimize risks through a data review.

The data review consists of evaluating injury and workers' compensation, UIRs, and Workplace Violence incident reports.

The Bureau of Personnel will provide the SH-900, "Log of Work-Related Injuries and Illnesses," for evaluation. This log will be reviewed on an annual basis and will be given to the Health and Safety Committee in the first month of each calendar year.
4. A physical inspection of the workplace will be performed utilizing a Risk Evaluation and Determination form for the initial and annual evaluations.
5. The risk evaluation shall include a review of relevant policies as applicable in Section IV-B-4.
6. The risk evaluation processes and results shall be discussed by authorized designees from all Unions represented at the site, and management.

This will ensure appropriate union and management collaboration in the identification of risks and in evaluating potential interventions.

7. In evaluating and reporting on risk factors, the group shall consider all of the data in the risk evaluation as follows:
 - a. Identify each risk
 - b. Evaluate the risk
 - c. Prioritize the risk
 - d. Suggest an action plan to mitigate/eliminate the risk
 - e. Identify technical assistance needed to address the risk
8. If the group is unable to reach consensus regarding the necessary actions resulting from the risk evaluation, the issue will be referred to the Regional Director and to the SWVPC if still there is no resolution. In cases where there is an allegation of imminent danger, the review will be expedited through the SWVPC.
9. Where corrective action is warranted, the Regional Director shall take the necessary steps following Agency protocols. In work locations not under a Regional Director, the manager in charge of the work location shall take the necessary corrective action. In the event that there is imminent danger, the risk will be immediately evaluated and addressed.
10. Evaluation Reporting: Upon completing the Risk Evaluation and Determination, the committee will prepare a report, identifying potential risks and solutions, and forward it to the Deputy Commissioner for Community Supervision and the appropriate Regional Director.

B. Reporting Requirements

1. Identification of Possible Workplace Violence Conditions
 - a. Employee Responsibility
 - (1) Immediately notifies his or her supervisor, or the supervisor on duty, of a condition that may be a possible Workplace Violence threat.
 - (2) Completes a memorandum, consisting of date, time, location, description, injuries, witnesses, etc., or UIR, as necessary, specifying the situation and submits it to the supervisor.
 - b. Immediate Supervisor
 - (1) Evaluates the situation and mitigates it immediately, if appropriate and feasible.
 - (2) Gives the memorandum or UIR, along with an evaluation and other comments, to the Regional Director for review.
 - c. Management/Administrative
 - (1) Evaluates the situation and mitigates the problem, if feasible.
 - (2) A written response will be issued to the complainant, including a finding and disposition of the report, within a reasonable time following the completion of the investigation.

2. Incidents of Workplace Violence Occurring on Community Supervision Premises
 - a. Employee Responsibility
 - (1) Immediately notifies his or her supervisor, or the supervisor on duty, of the incident.

NOTE: In some instances, the situation may be considered of a sufficiently urgent nature that the employee should immediately contact appropriate law enforcement agency and/or summon emergency medical assistance immediately, if necessary, and then advise the supervisor. If law enforcement is notified, advise responding officers that Parole Officers are armed.
 - (2) Follows up the verbal report by completing a UIR, as necessary, and submitting it to his or her immediate supervisor within 24 hours.
 - b. Immediate Supervisor
 - (1) Evaluates the incident described. If it is expected that the incident can affect an employee's safety, immediate action will be taken to notify the appropriate law enforcement agency and/or summon emergency medical assistance, if needed.
 - (2) Immediately notifies the appropriate highest level management/administrative staff person.
 - (3) Upon receipt of the UIR and Accident Reports, or if the employee is unavailable, completes the appropriate section for supervisor on the form and immediately forwards it to the appropriate Regional Director.
 - c. Regional Director
 - (1) Completes the appropriate section of the UIR and submits it to appropriate staff.
 - (2) Initiates an investigation into the incident or contacts the appropriate Bureaus (ODI, OSI, BLR) to proceed with the investigation.
3. Record Keeping: The Regional Director's office shall maintain a record of all reports of possible Workplace Violence including physical plant conditions, their outcomes, and necessary corrective actions.

Additionally, a written record of all reports of Workplace Violence, copies of the UIRs, evaluation reports, and incidents from the Workplace Violence log. These records shall be kept for a period of ten years.

VI. EMPLOYEE INFORMATION AND TRAINING: All employees should be provided with the following information and training on the risks of Workplace Violence in their workplace or workplaces at the time of their initial assignment and annually thereafter.

A. Employee Workplace Violence Prevention Training shall include:

1. An initial training component for all employees that provides a comprehensive overview of the Department's Workplace Violence Prevention Program.
2. Work site specific details are available from the employee's supervisor.
3. An annual refresher training component

- a. A training bulletin for review by each employee that will provide a refresher on the goals and objectives of the Department's Workplace Violence Prevention Program.
 - b. The measures employees can take to protect themselves from Workplace Violence risks as identified by the Risk Evaluation and Determination, except that nothing in this directive shall require the disclosure of the information otherwise kept confidential for security reasons as identified in Section VII below. This shall include specific procedures the employer has implemented to protect employees, such as appropriate work practices or emergency procedures, that are specific to the work area/location.
 - c. Inform employees of the measures that employees can take to protect themselves from the identified risks, including specific procedures that the employer has implemented to protect employees such as incident alert and notification procedures, appropriate work practices, emergency procedures, and use of security alarms and other devices.
 - d. Inform employees of the location of the written Workplace Violence Prevention Program directive and how to obtain a copy and make it and other directives available for reference to employees, authorized employee representatives, and the supervisor in the work area during the regularly scheduled shift.
4. This directive shall be reviewed with each new employee as part of his or her initial Orientation Package and shall be provided to employees.

B. Related Training

1. All new DOCCS employees are provided with the Orientation Handbook, "Correctional Dynamics," which outlines potential risks employees may encounter in the workplace and the means to address them.
2. Training will be provided for Community Supervision work-site teams that will conduct the Workplace Violence risk evaluation.
3. All employees (both security and civilian staff) receive routine training that outlines risks and potentially dangerous situations that can arise in their specific work areas and the methods and techniques for staff to implement to avoid and/or deal with such risks/situations.

VII. STATEMENT OF CONFIDENTIALITY: Nothing in this directive shall require the disclosure of personal information otherwise kept confidential for security reasons except as may be necessary to implement the provisions of this directive.

- A. Such personal information may include information which, if disclosed:
1. Would interfere with law enforcement investigations or judicial proceedings;
 2. Would deprive a person of a right to a fair trial or impartial adjudication;
 3. Would identify a confidential source or disclose confidential information relating to a criminal investigation;
 4. Would reveal criminal investigative techniques or procedures, except routine techniques and procedures; or
 5. Would endanger the life or safety of any person.

- B. If the case is a "privacy concern case" as defined below, the employer shall still be liable for reporting the Workplace Violence incident. However, before sharing a copy of the incident report with any party other than the Commissioner of the Department of Labor, the employer shall remove the name of the employee who was the victim of the Workplace Violence and shall instead enter "PRIVACY CONCERN CASE" in the space normally used for the employee's name.
1. The employer shall treat incidents involving the following injuries or illnesses as privacy concern cases:
 - a. An injury or illness to an intimate body part or the reproductive system;
 - b. An injury or illness resulting from a sexual assault;
 - c. Mental illness;
 - d. HIV infection;
 - e. Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material; or
 - f. Other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the report.

VIII. DEPARTMENT OF LABOR REFERRAL/PESH COMPLAINTS

- A. Any employee or Union Representative who believes that a serious violation of the Workplace Violence Prevention Program exists, or that an imminent danger exists, shall bring such matter to the attention of their immediate supervisor in the form of a written notice and shall afford the Superintendent, Regional Director, or Central Office and Satellite Location Liaison a reasonable opportunity to correct such activity, policy, or practice. Written notice to an employer shall not be required where imminent danger or a threat exists to the safety of a specific employee or employees, and the reporting employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.
- B. If, after following a referral of such matter to the employee's supervisor's attention, and after a reasonable opportunity to correct such activity, policy, or practice, the matter has not been resolved and the employee or Union Representative still believes that a serious violation of the Workplace Violence Prevention Program remains, or that an imminent danger exists, such employee or Union Representative may request an inspection by giving notice to the Commissioner of Labor, or designee, of such violation or danger.

Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or Union Representative, and a copy shall be provided by the Commissioner of Labor, or designee, to the employer or the person in charge no later than the time of inspection, except that on the request of the person giving such notice, such person's name and the names of individual employees or Union Representative shall be withheld. Such inspection shall be made forthwith.

- C. The Superintendent, Regional Director, or designee, and Union Representative shall be given the opportunity to accompany the Commissioner of Labor, or designee, during an inspection for the purpose of aiding such inspection. Where there is no Union Representative, the Commissioner of Labor, or designee, shall consult with a reasonable number of employees concerning matters of safety in the workplace.
- D. The authority of the Commissioner of Labor, or designee, to inspect premises pursuant to such an employee complaint shall not be limited to the alleged violation contained in such complaint. The Commissioner of Labor, or designee, may inspect any other area of the premises in which he or she has reason to believe that a serious violation of this directive exists.
- E. No employer shall take retaliatory action against any employee or Union Representative because they do any of the following:
 - 1. Make an application pursuant to Section VIII-A above;
 - 2. Request an inspection as authorized in Section VIII-B above; or
 - 3. Accompany the Commissioner of Labor, or designee, as authorized in Section VIII-C above.
- F. The Commissioner of Labor, or designee, may, upon his or her own initiative, conduct an inspection of any premises occupied by an employer if he or she has reason to believe that a violation of this section has occurred or if he or she has a general administrative plan for the enforcement of this section, including a general schedule of inspections, which provides a rational administrative basis for such inspections.

CORRECTIONAL FACILITY**Workplace Violence Prevention Program Committee Meeting Minutes**

(Reporting period: At least annually, or as deemed necessary by the committee)

Date of Meeting: _____

For each set of data if workplace violence incidents are reported, list the incident and date and review to determine if appropriate action was taken at the time. If the committee does not reach a consensus, the incident and related background information should be forwarded to the Statewide Workplace Violence Prevention Program Committee (SWPPC). Please indicate if no workplace violence incidents were reported.

I. REVIEW OF WORKPLACE VIOLENCE INCIDENT LOG (Dir. #4960, section IV-A-2-e):

- 1.
- 2.
- 3.
- 4.

II. REVIEW OF SH-900 AND SH-900.1 LOGS:

- 1.
- 2.
- 3.
- 4.

III. FORM #2098, "MONTHLY SAFETY, ENVIRONMENTAL SERVICES AND WORKPLACE VIOLENCE INSPECTION REPORT – (Workplace Violence Factors Column) REVIEW:

- 1.
- 2.
- 3.
- 4.

IV. REVIEW OF LOCAL LABOR MANAGEMENT MEETING MINUTES:

- 1.
- 2.
- 3.
- 4.

V. REVIEW OF UNUSUAL INCIDENT REPORTS (Force Print 15th of each month):

- 1.
- 2.
- 3.
- 4.

- VI. REVIEW OF INMATE DISCIPLINARY SYSTEM (FIDS Force print 15th of each month):**
- 1.
 - 2.
 - 3.
 - 4.
- VII. MISCELLANEOUS (Any other reported information brought by the DSS or committee members, including Union Representatives related to workplace violence, e.g. Memorandums, verbal reports, Population Management information, etc.):**
- VIII. ANNUAL PROGRAM REVIEW/RISK EVALUATION (List risk factors (if any) that are identified as a result of the annual review/risk evaluation. Additionally list any corrective actions taken as a result of data/program review. If consensus cannot be reached, refer to SWVPC and document referral in section IX of this minutes form):**
- IX. STATEWIDE WVPC REFERRAL (Use this section to list workplace violence incidents or related issues for statewide committee referral, briefly list all relevant information and reports as related to the incident and submit to the Assistant Commissioner):**

Community Supervision Risk Evaluation

Form 4960B (9/12)

Photocopy locally as needed

Risk Evaluation

This risk evaluation is designed to be utilized for Community Supervision work locations . Not all questions will pertain but please complete the following questions to the best of your ability.

1. Demographic Information

Site Location:

Name of Person(s) Completing
Assessment:

2. Crime Rate in the immediate area:

☐ High ☐ Medium ☐ Low

3. Building is:

☐ State Owned ☐ Leased ☐ Other (Please Specify):

4. Building Occupancy: (choose all that apply)

☐ Single Tenant ☐ Single Story ☐ Three Floors
☐ Multi-Tenants ☐ Two Floors ☐ Four or more Floors

5. Is parking area access restricted?

☐ Yes ☐ No
☐ Other (Please Specify):

6. Are parolees seen at this site?

☐ Yes ☐ No

7. What are the hours of staff access?

☐ Day ☐ 12 Hour Operation ☐ 24 Hour Operation

8. Is there a procedure for detecting weapons used at this location?

☐ Yes ☐ No

If Yes, Please explain procedures used and any devices used:

9. Number of Employees? (for this location)

☐ Less than 20 ☐ 20-75 ☐ 75-100 ☐ More than 100
☐ Other (Please Specify):

PHYSICAL EVALUATION OF BUILDINGS AND GROUNDS

1. Is access to the Community Supervision office restricted?

☐ Yes ☐ No

2. Does the building have adequate outside lighting to enhance night security?

☐ Yes ☐ No

3. Do parking areas have adequate outside lighting to enhance night security?

☐ Yes ☐ No

4. Are accessible windows secured?

☐ Yes ☐ No

5. Does the building have signs posted on all entries stating no weapons and subject to search?

☐ Yes ☐ No ☐ No Reception Area

6. Is there a security alarm system?

☐ Yes ☐ No

INTERVIEW AREA

1. Is this area close to reception?

☐ Yes ☐ No

Community Supervision
Risk Evaluation

Form 4960B (9/12)

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2. Are parolees escorted to the interview areas? <input type="checkbox"/> Yes <input type="checkbox"/> No	
3. Do walls provide conversation privacy? <input type="checkbox"/> Yes <input type="checkbox"/> No	
4. Are offices arranged so alternate escape route is unobstructed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
5. Is the desk clear of objects that could be used as a weapon? <input type="checkbox"/> Yes <input type="checkbox"/> No	
6. Is the exit unobstructed? <input type="checkbox"/> Yes <input type="checkbox"/> No	

DETENTION AREA – If this location does not have a detention area, skip this section.

1. Is it close to the interview area? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is area as bare as possible? <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Is area clearly visible? <input type="checkbox"/> Yes <input type="checkbox"/> No
4. Is the bench secured to the floor? <input type="checkbox"/> Yes <input type="checkbox"/> No
5. Are there rings on the bench for hand cuffs and leg restraints? <input type="checkbox"/> Yes <input type="checkbox"/> No
6. Is there adequate space for more than one parolee? <input type="checkbox"/> Yes <input type="checkbox"/> No
7. Is a parolee ever left unattended? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is there an issue with physical evaluation not covered by the questions in this section? <input type="checkbox"/> Yes <input type="checkbox"/> No

SECURITY

1. Does your location have a security service? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, skip to question 6. 1a. If yes, is the security provided by the state or a private vendor? <input type="checkbox"/> State <input type="checkbox"/> Private vendor
2. What service does the security service provide? <input type="checkbox"/> Fixed Post <input type="checkbox"/> Roving Patrol within building <input type="checkbox"/> Roving Patrol building exterior/parking lots <input type="checkbox"/> All of the Above Other (Please Specify):
3. Does security wear uniforms? <input type="checkbox"/> Yes <input type="checkbox"/> No
4. What hours is security provided? <input type="checkbox"/> Day <input type="checkbox"/> Weekend <input type="checkbox"/> Evening <input type="checkbox"/> Overnight
5. Is the security desk location highly visible to persons entering the building? <input type="checkbox"/> Yes <input type="checkbox"/> No
6. Are visitors required to register at the site entrance and wear identification? <input type="checkbox"/> Yes <input type="checkbox"/> No
7. Is there written procedures for visitors that is clearly posted? <input type="checkbox"/> Yes <input type="checkbox"/> No

Community Supervision
Risk Evaluation

Form 4960B (9/12)

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8. Are visitors required to be escorted by staff? <input type="checkbox"/> Yes <input type="checkbox"/> No
9. If there is an escort procedure, is it uniformly enforced? <input type="checkbox"/> Yes <input type="checkbox"/> No
10. Are visitors announced? <input type="checkbox"/> Yes <input type="checkbox"/> No
11. Is visitor identification required to be turned in at end of visit? <input type="checkbox"/> Yes <input type="checkbox"/> No
12. Is there a procedure in place to account for visitor/vendor ID's? <input type="checkbox"/> Yes <input type="checkbox"/> No
13. Is there a procedure to ensure the building is empty at night? <input type="checkbox"/> Yes <input type="checkbox"/> No
14. Are employees required to wear State ID at all times while on grounds? <input type="checkbox"/> Yes <input type="checkbox"/> No
15. Is there an accountability system in place for State ID's if lost, stolen or upon termination? <input type="checkbox"/> Yes <input type="checkbox"/> No
16. Are there personnel available to escort staff to the parking lot if requested? <input type="checkbox"/> Yes <input type="checkbox"/> No
17. Any other issues involving security not covered in this section? <input type="checkbox"/> Yes <input type="checkbox"/> No
MAILROOM LOCATIONS
1. Does this site have exterior access for mail delivery? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the area monitored or restricted? <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Are there procedures in effect to address mail tampering/terrorism at this location? <input type="checkbox"/> Yes <input type="checkbox"/> No
SURVEILLANCE
1. Does this site use a type of intrusion detection system? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. What areas are covered by the intrusion detection system? (Check all that apply) <input type="checkbox"/> Doors <input type="checkbox"/> Windows <input type="checkbox"/> Roof <input type="checkbox"/> Garage/Parking <input type="checkbox"/> Loading Dock
3. Does this site have any type of panic alarm/emergency response system? <input type="checkbox"/> Yes <input type="checkbox"/> No
4. Does the building have a functioning public address system? <input type="checkbox"/> Yes <input type="checkbox"/> No
5. Is there an issue with surveillance which is not addressed by the questions in this section? <input type="checkbox"/> Yes <input type="checkbox"/> No
RECEPTION AREAS/PUBLIC AREA

Community Supervision
Risk Evaluation

Form 4960B (9/12)

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1. Does this location have a formal staffed reception area? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is there minimal reception room furniture? <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Is the furniture bolted? <input type="checkbox"/> Yes <input type="checkbox"/> No
4. Are there objects in public areas which could be readily available to be used as a weapon? <input type="checkbox"/> Yes <input type="checkbox"/> No
5. If staff temporarily absent is there an alternate staff member posted during that period? <input type="checkbox"/> Yes <input type="checkbox"/> No
6. Is the area secured to prevent public access to office areas? <input type="checkbox"/> Yes <input type="checkbox"/> No
7. Does reception staff have visual access to visitors arriving? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Does the reception area have an alternate egress? <input type="checkbox"/> Yes <input type="checkbox"/> No
9. Does reception staff have a phone or other communication device? <input type="checkbox"/> Yes <input type="checkbox"/> No
10. Can the reception area be observed by co-workers? <input type="checkbox"/> Yes <input type="checkbox"/> No
11. Is there a procedure in place for reception staff to follow in the event of an incident? <input type="checkbox"/> Yes <input type="checkbox"/> No
12. Is reception area under surveillance monitoring? <input type="checkbox"/> Yes <input type="checkbox"/> No
13. Are visitor procedures clearly posted in reception area? <input type="checkbox"/> Yes <input type="checkbox"/> No
14. Does reception staff maintain sign in/accountability records? <input type="checkbox"/> Yes <input type="checkbox"/> No
15. Is there an issue with the reception area which is not covered by the questions in this section? <input type="checkbox"/> Yes <input type="checkbox"/> No
FIELD VISITS BY STAFF
1. Do staff members provide their office with a travel itinerary when working in the field? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is field staff required to contact the office at the end of the day? <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Does staff have two-way communication while in the field? <input type="checkbox"/> Yes <input type="checkbox"/> No
4. Is staff provided or given access to background information on the location to which they are visiting? <input type="checkbox"/> Yes <input type="checkbox"/> No
5. Is staff aware of information on domestic violence issues/history pertaining to the parolees they are visiting? <input type="checkbox"/> Yes <input type="checkbox"/> No

Community Supervision

Risk Evaluation

Form 4960B (9/12)

Photocopy locally as needed

6. Does staff carry identification when working in the field?

☐ Yes ☐ No

7. Is staff able to request a second person to assist during a specific field visit?

☐ Yes ☐ No

8. Is field staff instructed to report if there are pets (dogs, snakes, etc.) at the field visit location?

☐ Yes ☐ No

9. Is field staff offered support in the event of an incident in the field?

☐ Yes ☐ No

10. Is field staff trained to be aware of potential weapons at the site of their field visit?

☐ Yes ☐ No

11. Is there an issue with field visits which is not addressed by the questions in this section?

☐ Yes ☐ No

Workplace Violence Prevention Risk Evaluation Results Community Supervision

Form 4960C (9/12)

Photocopy locally as needed

1. Building: _____

2. Members of the Committee that completed this evaluation:

(members should initial the report, signifying their approval)

_____	_____
_____	_____
_____	_____

3. Date(s) of evaluation: _____

4. Report date: _____

5. Indicate all data reviewed by the Committee:

a) Relevant policies _____

b) Injury /incident data

Unusual Incident Reports _____

SH-900 Log _____

Other data _____

c) Physical plant evaluations _____

d) Other (list) _____

6. Summarize key findings (use attachment, as necessary):

Workplace Violence Prevention Risk Evaluation Results Community Supervision

Form 4960C (9/12)

Photocopy locally as needed

7. List recommendations by following categories (use attachment, as necessary):

(Consider cost and other feasibility, significance of the risk factor that it addresses, etc.
For items for which there is no consensus, include the dissenting opinion(s))

a) Immediate:

b) Intermediate (can't be done immediately, but can be scheduled):

c) Long Term (requires research, budget appropriations, or approvals):

8. Plan to address the immediate concerns:

NOTE: Keep a copy of all workplace violence risk evaluation and determination reports and related documentation on file locally and send a copy of the summary report to the Regional Director and the Deputy Commissioner for Community Supervision.

**NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
WORKPLACE VIOLENCE INCIDENT REPORT**

Each employee who believes that he or she is the victim of Workplace Violence is to submit a written report to his or her immediate supervisor, or to the Superintendent or Union Representative. It remains the responsibility of all employees to report all threatening behavior, whether from an inmate, the general public, or an employee, to supervisory staff immediately so appropriate action can take place. The supervisor must take appropriate action, if necessary, and then forward the report to the appropriate area to ensure it is documented in the Workplace Violence Incident Logbook.

Name/Author: _____ Date: _____

A. Workplace Location Where Incident Occurred: _____

B. Time of Day/Shift When Incident Occurred:

C. Detail Description of the Incident (include events leading up to the incident and how the incident ended):

D. Name and Job Titles of Involved Employees:

E. Name of Other Identifier of Other Individual(s) Involved:

F. Nature and Extent of Injuries Arising from the Incident:

G. Names of Witnesses:



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

MEMORANDUM

TO: All Superintendents
Division Heads
Regional Directors

FROM: Anthony J. Annucci, Acting Commissioner

SUBJ: Workplace Violence Prevention Program – Revised Policy Statement

DATE: March 2, 2016

POST ON EMPLOYEE BULLETIN BOARDS

In accordance with New York State Labor Law, Section 27-b and 12NYCRR Part 800.56, the Department has developed and implemented a program to identify and prevent workplace violence. A major part of the Department's core mission is to provide safe and secure correctional facilities, offices and satellite work locations. The Department's prevention program is specifically outlined in Directive #4960, "Workplace Violence Prevention Program." As outlined in Directive #4960, Departmental policies, directives, reporting systems, and employee training provide an established framework that supports a strong and responsive "Workplace Violence Prevention Program." Accordingly, the Department of Corrections and Community Supervision does not tolerate 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 his or her 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.

At least annually, or as deemed necessary, employee representatives will be involved in the evaluation of the physical environment, development of the Workplace Violence Prevention Program and the review of the workplace violence incident reports to identify trends in the types of incidents reported, if any, and the review of the effectiveness of any mitigating actions taken.

It is the responsibility of all employees to report incidents of workplace violence, whether from an inmate, the general public, or another employee, to management as soon as practicable by using established Departmental reporting protocols (e.g. Inmate Misbehavior Report, Employee Accident/Injury Report, etc.) or via form #4960D, or a memorandum to their supervisor, or workplace administrator (Superintendent, Regional Director, Bureau Chief, Division Head). The report must provide all necessary details (date, time, location, description of incident, injuries, witnesses, etc.) regarding the incident, including the names (or descriptions) of those involved.

A copy of this memorandum is to be posted on employee bulletin boards.