

STATE OF NEW YORK

8358

IN SENATE

January 22, 2024

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to requiring retail worker employers to develop and implement programs to prevent workplace violence

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "retail
2 worker safety act".

3 § 2. Legislative findings. The legislature finds and declares that
4 violence against retail workers is a growing problem in New York. From
5 verbal harassment that often leads to physical violence, all the way to
6 racially motivated mass shootings of retail workers and customers,
7 retail workers are on the front lines of violence in our society. Given
8 that these stores offer essential necessities to the public, this
9 violence is also a threat to public health and safety. The legislature
10 also finds and declares that many employers have not done enough to take
11 responsibility for the health and safety of their employees. Few employ-
12 ers have conducted risk assessments of their workplace, and even fewer
13 have adequately trained their employees in how to respond to harassment
14 and potentially violent situations.

15 § 3. The labor law is amended by adding a new section 27-e to read as
16 follows:

17 § 27-e. Duty of retail worker employers to develop and implement
18 programs to prevent workplace violence. 1. Definitions. For the purposes
19 of this section:

20 a. "Employer" means any person, entity, business, corporation, part-
21 nership, limited liability company, or an association employing at least
22 ten retail workers. The term shall not include the state, any political
23 subdivision of the state, a public authority, or any other governmental
24 agency or instrumentality.

25 b. "Employee" means a retail worker working for an employer.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 c. "Workplace" means any location away from an employee's domicile,
2 permanent or temporary, where an employee performs any work-related duty
3 in the course of his or her employment by an employer.

4 d. "Retail store" means a store that sells consumer commodities at
5 retail and which is not primarily engaged in the sale of food for
6 consumption on the premises.

7 2. Risk evaluation and determination. Every employer shall evaluate
8 its workplace or workplaces to determine the presence of factors or
9 situations in such workplace or workplaces that might place employees at
10 risk of workplace violence. Examples of such factors shall include, but
11 not be limited to:

12 a. working late night or early morning hours;

13 b. exchanging money with the public;

14 c. working alone or in small numbers;

15 d. uncontrolled access to the workplace; and

16 e. areas of previous security problems.

17 3. Written workplace violence prevention program. Every employer shall
18 develop and implement a written workplace violence prevention program
19 for its workplace or workplaces that includes the following:

20 a. a list of the risk factors identified in subdivision two of this
21 section that are present in such workplace or workplaces;

22 b. the methods the employer will use to prevent incidents of workplace
23 violence at such workplace or workplaces, including but not limited to
24 the following:

25 (1) making high-risk areas more visible to more people;

26 (2) installing good external lighting;

27 (3) using drop safes or other methods to minimize cash on hand;

28 (4) posting signs stating that limited cash is on hand;

29 (5) providing employee training; and

30 (6) establishing and implementing reporting systems for incidents of
31 workplace violence.

32 4. Employee information and training. a. Every employer shall make the
33 written workplace violence prevention program available, upon request,
34 to its employees, their designated representatives and the department.
35 New hires shall be provided a copy of the written program upon hire. The
36 written program shall be available in English, Spanish and any other
37 language requested by employees, which shall be made available within
38 thirty days of such request. All trainings shall be conducted in English
39 as well as the primary languages spoken in the workplace.

40 b. Every employer shall provide its employees with the following
41 information and training on the risks of workplace violence in their
42 workplace or workplaces at the time of their initial assignment and
43 annually thereafter:

44 (1) employees shall be informed of the requirements of this section,
45 the risk factors in their workplace or workplaces, and the location and
46 availability of the written workplace violence prevention program
47 required by this section; and

48 (2) employee training shall include at least: (a) de-escalation
49 tactics; (b) active shooter drills; (c) measures employees can take to
50 protect themselves from such risks identified in the written workplace
51 violence prevention program, including specific procedures the employer
52 has implemented to protect employees, such as appropriate work prac-
53 tices, emergency procedures, use of security alarms, panic buttons and
54 other devices, dealing with harassment and violence from customers and
55 coworkers, and any other risk factors identified pursuant to subdivision

1 two of this section; and (d) the details of the written workplace
2 violence prevention program developed by the employer.

3 5. Documentation of workplace violence incidents. Every employer shall
4 document each incident of workplace violence and shall maintain a copy
5 of such documentation. Each incident shall also be reported into a
6 publicly accessible state database.

7 6. Annual review. Every employer shall review the number and scope of
8 workplace incidents annually and shall make changes to the risk factors
9 considered pursuant to subdivision two of this section and the written
10 workplace violence prevention program as necessary and appropriate.

11 7. Panic buttons. Every employer of fifty or more retail workers
12 nationwide shall install panic buttons at easily accessible locations
13 throughout the workplace or workplaces. For the purposes of this
14 section, "panic button" shall mean a physical button that when pressed
15 immediately dispatches local law enforcement to the workplace.

16 8. Security guards. Employers who have experienced a certain number of
17 violent incidents in the workplace in a given period of time, as deter-
18 mined in regulations issued by the department, shall be required to
19 employ a security guard who is present at the workplace during all hours
20 in which the workplace is open.

21 § 4. This act shall take effect on the ninetieth day after it shall
22 have become a law. Effective immediately, the addition, amendment and/or
23 repeal of any rule or regulation necessary for the implementation of
24 this act on its effective date are authorized to be made and completed
25 on or before such effective date.