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:

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

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

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

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

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

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.

LBD13440-02-4

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

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

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

a. working late night or early morning hours;

b. exchanging money with the public;

c. working alone or in small numbers;

d. uncontrolled access to the workplace; and

e. areas of previous security problems.

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

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

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

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

(2) installing good external lighting;

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

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

(5) providing employee training; and

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

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

b. Every employer shall provide its employees 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:

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

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

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

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

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

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

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

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